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AN
INQUIRY INTO THE EVIDENCE
RELATING TO THE
CHARGES BROUGHT BY LORD MACAULAY
AGAINST
WILLIAM PENN

BY JOHN PAGET, ESQ.

BARRISTER-AT-LAW

"I know my enemies, and their true character and history, and their intrinsic value to this or other Governments; I commit them to time, with my own conduct and afflictions."—*Letter of William Penn*, 1693.

WILLIAM BLACKWOOD AND SONS
EDINBURGH AND LONDON
MDCCCLVIII

INTRODUCTION.

MY attention was first directed to the subject of the following pages by finding in Lord Macaulay's picture of William Penn a character, so inconsistent with itself, that one would not expect to meet with it until we discover a country inhabited by centaurs, or succeed in catching a living mermaid. I was thus led to examine the authorities on which he relies. A short time served to convince me that the dark stains with which he has disfigured the portrait of Penn were not to be found in the original, but owed their existence solely to the jaundiced eye of the artist. I have endeavoured,

in the following pages, to collect into a small compass all the evidence I could meet with on the subject, in the hope that by so doing I might enable others, with less labour, to form their own opinions upon a question which involves, not only the character of the dead, which has become a sacred trust in the hands of the living, but also the degree of confidence which ought to be placed in the statements of the most popular and eloquent of modern writers. I have examined for myself the different documents referred to, having been enabled to do so by the liberality of the Right Hon. S. H. Walpole, and the kind assistance which I have received from the Gentlemen in whose immediate custody the documents preserved in the State-Paper and Privy Council Offices are deposited. It appeared to me, that notwithstanding what has already been done by Mr Hepworth Dixon and others, matters of considerable interest still remained to be gleaned ; I have therefore

done my best to collect them, and to lay them before the reader in as concise a form as possible. Lord Macaulay in the present year has reiterated his charges, and in some instances has attempted to justify them. The issue, upon the character of William Penn and the trustworthiness of Lord Macaulay, is therefore now fairly before the public.

J. P.

3 BRICK COURT, TEMPLE,
Nov. 1858.

AN INQUIRY, &c.

“ RIVAL nations and hostile sects have agreed in
“ canonising him—England is proud of his name.
“ A great commonwealth beyond the Atlantic
“ regards him with a reverence similar to that
“ which the Athenians felt for Theseus, and the
“ Romans for Quirinus. The respectable society
“ of which he was a member honours him as an
“ apostle. By pious men of other persuasions
“ he is generally regarded as a bright pattern
“ of Christian virtue. Meanwhile admirers of a
“ very different sort have sounded his praises.
“ The French philosophers of the eighteenth
“ century pardoned what they regarded as his
“ superstitious fancies, in consideration of his
“ contempt for priests, and of his cosmopolitan
“ benevolence, impartially extended to all races
“ and all creeds. His name has thus become,

“ throughout all civilised countries, a synonyme
 “ for probity and philanthropy.”

Such is the verdict of posterity upon the character of William Penn, recorded in the glowing words of Lord Macaulay.¹ Such is the judgment which Lord Macaulay seeks to reverse ;—to show instead that this same William Penn prostituted himself to the meanest wishes of a cruel and profligate court²—gloated with delight on the horrors of the scaffold and the stake³—was the willing tool of a bloodthirsty and treacherous tyrant⁴—a trafficker in simony and suborner of perjury⁵—a conspirator, seeking to deluge his country in blood⁶—a sycophant, a traitor,⁷ and a liar.⁸

Such are the charges scattered through Lord Macaulay's pages ; and in support of them he relies on the part taken by Penn on the following occasions :—

I. His conduct with regard to the Maids of Taunton.—Vol. i. p. 655.

¹ Vol. i. p. 506.

² Vol. i. p. 656.

³ Vol. i. p. 665.

⁴ Vol. ii. p. 230.

⁵ Vol. ii. p. 298, 299.

⁶ Vol. iv. p. 20, 31.

⁷ Vol. iii. p. 587.

⁸ Vol. iii. p. 599.

- II. His presence at the executions of Cornish and of Gaunt.—Vol. i. p. 665.
- III. His conduct in the affair of Kiffin.—Vol. ii. p. 230.
- IV. The transactions relating to Magdalen College.—Vol. ii. p. 298.
- V. His supposed communication with James II. whilst in Ireland.—Vol. iii. p. 587.
- VI. His alleged falsehood in a supposed interview with William III.—Vol. iii. p. 599.
- VII. His alleged share in Preston's plot.—Vol. iv. p. 20.
- VIII. His interview with Sidney.—Vol. iv. p. 30.
- IX. His alleged communications with James whilst the latter was at St Germain's.—Vol. iv. p. 31.

I purpose to examine the evidence relating to each of these charges. I shall confine myself as much as possible to original and unquestionable documents, and I shall in every case indicate the evidence on which I rely, and the most easy mode in which the reader, if so disposed, may verify my statements if true, or detect their inaccuracy if I have fallen into error. On most

points the evidence is abundant and easily to be obtained. Lord Macaulay calls Penn “rather a mythical than an historical person.”¹ Never was a less appropriate epithet. Penn lived much in public. During his whole life he was in contest with some one or other. His birth, education, and position, were such as to expose him to constant observation. He was a prolific writer—a copious correspondent. The personal friend of Algernon Sidney, John Locke, and Archbishop Tillotson—of King James the Second, and of George Fox—probably no man ever lived who was the connecting link between men so diverse and so hostile. A courtier, a scholar, and a soldier, he resigned every worldly advantage, and left the gayest court in Europe to take up his cross amongst the humblest and most peaceful of the followers of his Redeemer. Such a man was certain to be the object of calumny in his own day ; and, accordingly, we find that there was hardly an act of Penn’s life which was not the subject of hostile comment. To speak of him as a “mythical rather than an historical person,” is therefore simply absurd.

¹ Vol. i. p. 506.

I.

THE First in order on the black list of Lord Macaulay's charges, relates to the conduct of William Penn with regard to the "Maids of Taunton."

Upon the entry of Monmouth into that town, and on the occasion of his declaring himself heir to the throne, proclaiming himself King, setting a price on the head of the reigning monarch, and denouncing the Parliament then sitting as an unlawful assembly,¹ he was received by a procession of the daughters of the principal inhabitants of the place, headed by their schoolmistress, bearing the emblems of royalty, who presented him with standards worked by their own hands.² That every person concerned in this proceeding incurred thereby the penalties of high treason, there can be no doubt. But it does not appear ever

¹ MACAULAY, i. 588.

TOULMIN'S *Hist. of Taunton*,

² MACAULAY, i. p. 584-586.

4to, 1791, p. 136.

to have been contemplated by James, or even by Jeffreys, to enforce the rigour of the law against girls, some of whom were not more than ten years of age. In those days, however, mercy was not given, but sold. A pardon for the prisoner who had been tried in the morning, is said to have been tossed by the judge who condemned him, to the companion of his evening debauch, who the next day made the best bargain he could with the culprit or his friends.¹ From the highest to the lowest the infamous traffic prevailed. The Court and the Bench shared in the corruption, and, as might be expected, a swarm of inferior agents and dealers in iniquity sprang up. The names of some of these have been preserved, and appear in the registers of the Privy Council, in the Secret Service Book of Charles and James the Second, and in the records of those families whose members were the victims of their rapacity. Robert Brent occupies the most prominent place. His name occurs repeatedly. After the revolution, a proclamation was issued for his apprehension.²

After Brent comes George Penne, whose

¹ MACAULAY, i. 653.

² *Pri. Co. Reg.* 27 Feb. 1688.

name has been preserved in consequence of his having been employed to negotiate the pardon of Azariah Pinney, a member of a Somersetshire family who had been involved in Monmouth's rebellion.¹

George Penne's infamous trade appears not to have prospered. Probably his business became less lucrative when the wholesale slaughter consequent on the suppression of Monmouth's rebellion ceased. We find him some time afterwards an applicant to the Crown for the grant of a patent office for the establishment of a lottery and licensing gaming-tables in America.

His petition for this purpose was presented to the Privy Council during the time when Sunderland was President; and Sunderland attended

¹ "BRISTOL, *September* 1685. Rector of Norton-sub-Hamden, —Mr John Pinney is debtor to money pd Geo. Penne, Esquire, near Yeovil. Azariah Pinney was sentenced to death and pardoned, and "given to Jerome Nipho, Esquire." His destination was the island of Nevis, but he was redeemed, and Mr Nipho received through George Penne the sum of £65 as his ransom.—See ROBERTS'S *Life of Monmouth*, ii. 243.

—Mr John Pinney is debtor to money pd Geo. Penne, Esquire, for the ransom of my Bro^r Aza. August, 1685. £65." Entry in the cash-book preserved at Somerton Erleigh House, cited in Dixon's *Life of Penn.* Edit. 1851, p. 445. Ed. 1856, xix. Azariah Pinney of Battiscomb was a son of the Reverend John Pinney of Broad Windsor,

in person the meeting at which it was discussed.¹ It is not stated whether he was successful in his application; but he disappears from history, and his name would probably have been utterly forgotten by this time had it not been preserved to be the occasion of an unfortunate mistake, consequent upon its similarity to that borne by the celebrated founder of Pennsylvania. But for this, George Penne would have shared the fate of the obscure crowd of his fellow-workers in iniquity who have passed into utter oblivion.

When it had been resolved that the lives of the “Maids of Taunton” (as these school children have been called) should be spared, the King “gave their fines to the Maids of Honour.”² In other words, he permitted the Maids of Honour to extort as much money from the fears and affections of the parents and relations of these unhappy children as they could.

The Maids of Honour applied to the Duke of Somerset (the Lord-Lieutenant of the county), and he had recourse to Sir Francis Warre,

¹ *Pri. Co. Reg. J. R.* 540.

² Letter of SUNDERLAND, *post*,
p. 12.

colonel of the Taunton Regiment, who had repeatedly sat in parliament for that town, and who then resided at Hestercombe, in the immediate neighbourhood. To him the Duke addressed the following letter :—

“ I do here send you a list of the Taunton
“ Maydes. You living soe near to Taunton
“ makes me think that you know some of them,
“ therefore pray send me word by the first opor-
“ tunity whether any of these are in custody, and
“ whoe they are ; and if any one of these are not
“ in custody, lett them be secured, especially the
“ schoolemistress, and likewise send me word if
“ you know any one of these, because there are
“ some friends of mine that I believe upon easy
“ termes might get theire pardon of the King.
“ Pray send me an answer by the first opor-
“ tunity, and in so doing this you will oblige
“ your humble servant,—SOMERSET.¹

“ LONDON, *Dec.* 12, 1685.”

Sir Francis Warre’s reply has not been preserved ; but it would seem that, between the date

¹ TOULMIN’s *Hist. of Taunton*, p. 163, 4to, 1791.

of this letter—viz. 12th of December 1685—and the end of the year, some person of the name of Birde,¹ who is stated by Lord Macaulay to have been town-clerk of Bridgewater,² had interfered in the transaction ; for, on the 14th of January 1685-6, the Duke of Somerset again writes as follows :—

“ I have acquainted the Maydes of Honour
 “ with this buiseness of Mr Birde, and they do
 “ all say that he never had any authority from
 “ them to proceede in this matter, and that they
 “ have this post writ to him not to trouble him-
 “ selfe any more in this affaire, soe that if you
 “ will proceede on this matter according to my
 “ former letter, you will infinitely oblige your
 “ humble servant,—SOMERSET.

“ *Jan. 14, 1685.*”

“ If you can secure any of them, pray doe, and
 “ let me have account of this letter as soon as
 “ you can.

“ For Sir Francisse Warre, Bart. To be left at the post-
 house in Taunton, Somersets.”

¹ Mac. Edit. 1858, ii. 239,
 note.

² *Query*—of Taunton? See
 TOULMIN, Hist. of Taunton, 163.

The next letter that has been preserved is also from the Duke of Somerset to Sir Francis Warre, and is dated within a week of the one last quoted.

“ We have here thought fitt that things would
“ be better managed if there was a letter of Attur-
“ ney given to somebody (that you should think fit
“ and capable of) for to ayde and assist you in
“ it that there may be noe other to transact this
“ businesse but yourselfe, and another of your re-
“ commending, that should bussle and stir about
“ to ease you. If that you know of any such man
“ that you can trust, pray let me know it by the
“ first oportunity, that the Maydes of Honour
“ may signe his letter of Attorney. Pray let
“ them know that if they doe thus put it off
“ from time to time that the Maydes of Honour
“ are resolved to sue them to an Outlawry, so
“ that pray do you advise them to comply with
“ what is reasonable (which I think 7000 is) for
“ them.

“ I must beg a thousand times over your
“ pardone for giving you this trouble, and will
“ never omit anything wherein I can serve you,

“ Sir. I am, your very humble servant,—
 “ SOMERSET.

“ LONDON, *Jan.* 21, 1685-6.

“ For Sir Francisse Warre, Bart: To be left at the post-house in Taunton, Somersetts.”

Immediately after this suggestion, that Sir Francis Warre should name some subordinate agent to “bustle and stir about,” and that the Maids of Honour should send a letter of attorney for that purpose, comes the following letter from the Earl of Sunderland, of which a copy is preserved amongst a very miscellaneous collection, entitled “Domestic—Various,” in the State-Paper Office :—

“ WHITEHALL, *Feb.* 13, 1685-6.

“ MR PENNE,—Her Majesty’s Maids of Honour
 “ having acquainted me that they design to em-
 “ ploy you and Mr Walden in making a composi-
 “ tion with the relations of the Maids of Taunton
 “ for the high misdemeanour they have been
 “ guilty of, I do, at their request, hereby let you
 “ know, that His Majesty has been pleased to
 “ give their fines to the said Maids of Honor,

" and therefore recommend it to Mr Walden and
" you to make the most advantageous composi-
" tion you can in their behalfe.—I am, Sir, your
" humble servant,—SUNDERLAND."

Here ends the whole of what can properly be called *evidence* upon the subject. We shall presently have to examine the accounts given by different Historians of the transaction,—to consider what reliance is to be placed on the narratives of some, and what inferences are fairly to be drawn from the silence of others. But here, resting upon this affirmative testimony alone, it may fairly be asked, Can any reasonable doubt exist that the Mr Penne to whom the letter of Sunderland is addressed was the same George Penne who, at the same time, and in the same county, was employed in negotiating a similar transaction in the case of Azariah Pinney?

Lord Macaulay,¹ however, declares his conviction, unaltered and unalterable, that this curt missive of Sunderland, though addressed to "Mr Penne"—though written immediately upon the

¹ MAC. edit. 1858, ii. 236, note.

suggestion that "somebody" should be named, to "bustle and stir about," and to "ease and assist" Sir Francis Warre, to whom the Duke of Somerset was so profuse in his apologies for "the trouble he gave him"—though "George Penne" was exactly such a person, and was engaged at this very time upon precisely similar business in the same county, and therefore most likely to be known both to Warre and Somerset,—and although no allusion to any other person of the name of "Penne" or "Penn," except George Penne, is to be found in the transaction—yet that this letter was addressed, not to him, but to William Penn, the Lord Proprietor of the province of Pennsylvania, the friend of Algernon Sidney and John Locke, the ward and intimate associate of the King—with whom James was in the habit of conferring for hours, whilst the first nobles of the kingdom were kept waiting in the ante-chamber¹—whose house was crowded by hundreds of suitors²—who occupied at that moment a social position far higher than that of Sir Francis Warre—with whom Sunderland had been intimate from boyhood—whose associate

¹ MAC. edit. 1858, ii. 82, note.

² Ibid.

and companion he had been at college—and with whom he must at this very time have been in almost daily intercourse.

It may be asked, Upon what evidence does Lord Macaulay ground this supposition? The answer is, Simply upon none. It is fair, however, to state that he is not the originator of the calumny; and before discussing the reasons which in his opinion justify him in repeating and giving it currency and authority, it will be well to trace the origin of the charge. We have seen the whole of the evidence—we now come to the history.

No cotemporary historian that I have been able to discover, mentions either William Penn or George Penne as having had anything whatever to do with the transaction.

Oldmixon asserts that Brent and a person of the name of Crane were employed.¹ Ralph says

¹ “This money” [*i. e.* the sums paid for the pardons], “and a great deal more, was said to be for the Maids of Honour; whose agent Brent, the Popish lawyer, had an under-agent, one Crane of Bridgewater, and ’tis supposed that both of them “paid themselves very bountifully out of the money which was raised by this means; some instances of which are within my knowledge.”—OLDMIXON, vol. ii. p. 708. Lord Macaulay says that Oldmixon is, of all our historians, “the least

that the Maids of Honour “sent down an agent,” but does not say who that agent was.¹

Other cotemporary historians are silent. The only inference to be drawn from them, therefore, is derived from the extreme improbability that they would have been silent if a man so eminent

“trustworthy;” that he “asserts nothing positively;” that he “goes no further than ‘it was said,’ and ‘it was reported,’” and that even “his most positive assertion” would in this case be of “no value.” Lord Macaulay seems to have overlooked the statement which Oldmixon makes that some of the instances were within his own knowledge. One thing is certain, namely, that had Oldmixon ever heard that William Penn had any share in the transaction, he would have recorded it with exultation. Lord Macaulay appears also to have forgotten that he had himself cited Oldmixon no less than seventeen times, as an authority for his narrative of the events connected with Monmouth’s insurrection—that he had three times drawn attention to the fact, that “Oldmixon, when a boy, lived near the scene of “these events”—that he was,

probably, an eye-witness of some of them, and that he passed a great part of his life at Bridge-water. That such was the confidence to be placed in him, that his silence on the subject was sufficient to negative the truth of a well-known and horrible anecdote popularly believed of the monster Kirke. Such is the mode in which the authority of Oldmixon is treated by Lord Macaulay, when Kirke, who added to, or, as Lord Macaulay appears to think, atoned for, his enormities by treachery to the master in whose service he had committed them, is to be vindicated.—When Penn is to be traduced Oldmixon becomes the “least trustworthy” of “all our historians,” and his most positive assertion of no value!—Vol. i. pp. 581, 604, 613, 636, edit. 1849. Vol. iii. p. 226, 1855. Vol. iii. pp. 244, 256, edition 1858.

¹ RALPH, vol. i. p. 893.

and so obnoxious to many of them as William Penn had been concerned in the transaction. That they should pass over, or be entirely ignorant of, the doings of the obscure George Penne, is by no means unlikely. Sir Francis Warre's part of the correspondence with the Duke of Somerset has, unfortunately, been lost; but it will be observed that there is nothing in the Duke's letters from which it can be inferred that Sir Francis Warre was reluctant to be employed, or considered such employment in any way disgraceful. With the lapse of time, however, the matter came to be regarded from a very different point of view; and when Dr Toulmin applied, at the close of the last century, to the descendant of Sir Francis Warre, who supplied him with the letters from the Duke to his ancestor, he was informed that "Sir Francis Warre, unwilling to be concerned in the business, represented to the Duke that the schoolmistress was a woman of mean birth, and that the scholars worked the banner by her orders, without knowing of any offence. On this, further proceedings were dropped, but not until the sums of £100 and £50 had

“ been gained from the parents of some of
“ them.” ¹

By the time that Dr Toulmin wrote his history,² the transaction had come to be considered as by no means reputable ; and we need not be surprised that the family tradition should be that Sir Francis Warre was unwilling to be concerned in it ; but had he handed it over to a man so eminent as William Penn, it can hardly be supposed that so important a fact could have been forgotten ; yet we find no trace of it.

We now come to the origin of the calumny.

Nearly one hundred and fifty years after the events had taken place, Sir James Mackintosh happened to meet with the letter from Sunderland to Penne which has been already quoted. He appears not to have accurately examined the previous correspondence between Somerset and Warre, and he was certainly in ignorance of the existence of any such person as George Penne. With unaccountable haste, he jumped to the conclusion that the person to whom this letter was addressed must have been William Penn ;

¹ TOULMIN'S *History of Taunton*, 8vo, p. 533; 4to, 1791, p. 163.

² Published 1791.

and even in citing the letter, he commits the mistake of stating that it was addressed to *William Penn*,—the fact being, that no Christian name at all is used in the original, and that it is addressed, not to William Penn, but to Mr Penne.¹

The passage in Mackintosh is as follows :—
 “It must be added with regret that William Penn, sacrificing other objects to the hope of obtaining the toleration of his religion from the King’s favour, was appointed an agent for the Maids of Honour, and submitted to receive instructions to make the most advantageous composition he could in their behalf.”² The continuer of Mackintosh adopts the statement, and adds, that Penn went down to Taunton;³ in support of which assertion he cites Ralph, who, as we have seen, never mentions Penn in the matter, but says that the Maids of Honour sent down “an agent.” That Lord Macaulay should have followed Mackintosh without inquiry in the ori-

¹ Sir James Mackintosh cites and trusted to some careless transcriber.

it thus :—“ Lord Sunderland to William Penn, 13th Feb. 1686. ² MACK. p. 32. 4to.

State-Paper Office.” Probably ³ WALLACE’S Continuation of Mackintosh, vol. viii. p. 42.

ginal edition, should hardly excite surprise ; but after having had his attention drawn to the evidence, which was not in the possession of Mackintosh, and the origin of the mistake pointed out,¹ he declares his determination to adhere to his original statement, and justifies that determination at great length in a note to the edition of his History just published,² upon the following grounds :—

First, That Sir James Mackintosh had no doubt about the matter.³

The authority of Sir James Mackintosh is unquestionably high. But Sir James Mackintosh would have been the first to admit the possibility that he might be led into error by deficient information, or by the mistake of a transcriber, and the first to correct that error. Lord Macaulay is put into possession of the evidence which Sir James Mackintosh had not, and the mistake of the transcriber is pointed out. Sir James Mackintosh is dead, and cannot correct the error ; Lord

¹ Dixon's Life of Penn. Supplementary chapter.

³ Mac. edit. 1858, ii. 236, note.

² Edit. 1858, p. 236.

Macaulay is living, and will not.¹ The argument derived from the authority of Sir James Mackintosh, under these circumstances, must go for as much as it is worth.

Secondly, That the names “Penn” and “Penne” are the same. Lord Macaulay admits that both William Penn, and his father the Admiral, *invariably* spelt the name Penn, but urges that other people sometimes spelt it Pen and Penne : that Hyde is sometimes Hyde ; Jeffries, Jefferies, Jeffereys, and Jeffreys : that Somers is Sommers, and Summers ; Wright is Wrighte ; and Cowper, Cooper.

The letter of Sunderland is addressed to “ Mr Penne ; ” and every one except Lord Macaulay

¹ Yet there are cases in which Lord Macaulay has shown more candour and a juster spirit. In the first edition, vol. i. p. 561, describing the execution of Argyle, he says, “ the troops who attended the procession were put under the command of Claverhouse, the fiercest and stoutest of the race of Graham.” Thus it stood in five editions. Mr Aytoun pointed out the error,* and in 1858 Lord Macaulay admits that he had confused the Town Guard with the dragoons of Dundee, and Graham their captain with Graham of Claverhouse. Edit. of 1858, ii. 139. When Lord Macaulay penned this correction, did his conscience recall to him the bitter scorn with which he once held up a brother-essayist to contempt for referring to the axe instead of the halter, as the instrument by which Montrose met his death ?

* Lays of the Cavaliers, Appendix, 348.

will allow that, *primâ facie*, a letter is intended for the person whose name is correctly given on its address, and not for a person whose name is not correctly given.

On the other hand, it must be admitted that, in the great majority of cases, Lord Macaulay's argument is correct, and that much reliance ought not to be placed on this fact if it stood alone. There are, however, peculiar circumstances attending the case. In the very same books in the State-Paper and Privy Council Offices in which the name of George Penne occurs, the name of William Penn also occurs repeatedly ; and there is not a single instance in which it is spelt otherwise than Penn. It is admitted by Lord Macaulay that William Penn, and his father, the Admiral, *invariably* spelt the name Penn. Is it likely that Sunderland, who had known, and been intimate with, William Penn from his boyhood, who must have been in constant intercourse with him at this very time, should have deviated from this well-known orthography in this single instance ?

If there ever was a case in which reliance should be placed on such a fact, surely it is this.

Thirdly, Lord Macaulay urges that it is improbable that the Maids of Honour would have employed such an agent as George Penne ; that Sir Francis Warre was a man of high rank and consideration, and therefore it is unlikely that so low a fellow as George Penne should be employed in the transaction.

It is exactly because he was a low fellow that he was employed. He was the agent to “bustle and stir about”¹ amongst the relatives of the girls, and wring the uttermost farthing from them. If an agent had been required to communicate with the King, and to obtain their pardon, William Penn might possibly have been applied to ; but this had been already done. The pardon was obtained, and all that remained was to make the best bargain with the relatives of the children. For this George Penne, not William Penn, was the fitting agent.

Fourthly, Lord Macaulay says that no inference should be drawn from the abrupt and uncourteous style of the note or the conjunction of the obscure Mr Walden with the King’s personal friend and the lord-proprietor of a province,

¹ DUKE OF SOMERSET’S Letter to WARRE, *ante*, p. 11.

because the Marquess of Wellesley, when Governor of India, addressed his brother General Wellesley, in official communications, with the formality of "Sir."

It would have been well, if, before using this argument, Lord Macaulay had observed the tone of the Duke of Somerset's letters to Sir Francis Warre, and asked himself whether those of Lord Sunderland to William Penn were likely to be less courteous? Let the reader picture to himself the terms in which Lord Sunderland would have announced to the Duke of Somerset, and to Sir Francis Warre, that the King's personal and confidential friend had condescended to take upon himself to "bustle and stir about," to "ease" and assist," the Somersetshire Baronet, and the profuse expressions of gratitude which he would have been charged to express on the part of the Maids of Honour, and then let him turn to the letter to "Mr Penne," and ask himself whether the language is most adapted to William Penn or to George Penne?

Fifthly, Lord Macaulay has one argument left, and one only.

It is, that such is his opinion, and such shall

be his opinion. This is the only argument of Lord Macaulay which it is impossible to answer. It is the same reasoning which was considered by Lord Peter to be conclusive in the great debate between himself and his brothers, Martin and Jack, when they respectfully submitted that his brown loaf was not mutton. “Look ye, “gentlemen, cries Peter in a rage, to convince you what a couple of blind, positive, “ignorant, wilful puppies you are, I will use “but this plain argument: By G—, it is good “true natural mutton as any in Leadenhall “market, and confound you both eternally if “you offer to believe otherwise.”¹

¹ *Tale of a Tub*, p. 120.

THE Second charge brought by Lord Macaulay against William Penn is of a nature singularly revolting.

Of the many judicial murders which disgraced that period of our history, none were more infamous or more cruel than those of which Cornish and Gaunt were the victims. The former was executed with all the detailed horrors of the sentence in cases of high treason, and the latter was burnt alive. The executions took place on the same day. William Penn was present at both. Lord Macaulay says : “ William Penn, “ *for whom exhibitions, which humane men “ generally avoid, seem to have had a strong “ attraction,* hastened from Cheapside, where “ he had seen Cornish hanged, to Tyburn, in “ order to see Elizabeth Gaunt burned.”¹

This malignant insinuation against Penn’s

¹ Vol. i. p. 665, edit. 1849 ; vol. ii. p. 249, edit. 1858.

well-known character for humanity would deserve nothing but contempt, did it come from any one less eminent than Lord Macaulay. It was by the constancy of Penn when the nerve of Calamy had failed, and he had refused to accompany Cornish to the scaffold,¹ that his memory was rescued from the slander that he died mad or drunk.² It is from Penn that we know the meek courage with which Elizabeth Gaunt submitted to her cruel martyrdom³—Juxon stood

¹ "He often visited him in Newgate, and, being earnestly pressed to go along with him to the place of execution, was not able to do it, but freely told him 'he would as well die with him as bear the sight of his death in such circumstances as he was in.'"—*Life of Calamy*, vol. i. p. 61.

It may be observed that the nephew of Calamy, afterwards the celebrated Nonconformist divine, was present at the execution of Cornish as well as Penn, and has left an account of it.—*Life of Calamy*, *ub. supra*.

² "He was drunk, they said, or out of his mind, when he was turned off."—MACAULAY, ii. 247, 1858.

"Cornish at his death asserted his innocence with great vehemence, and with some acrimony complained of the methods taken to destroy him; and so they gave it out that he died in a fit of fury. But Pen, who saw the execution, said to me, there appeared nothing but a just indignation that innocence might very naturally give."—BURNETT, iii. 61.

³ "She died with a constancy, even to cheerfulness, that struck all that saw it. She said, charity was a part of her religion as well as faith. This, at worst, was the feeding an enemy; so she hoped she had her reward with him for whose sake she did this service, how unworthy soever the person was that made so ill a

by Charles the First at Whitehall—Tillotson and Burnett received the last words of Lord Russell on the scaffold in Lincoln's Inn Fields.¹ History, sacred and profane, affords other instances of fidelity even to the foot of the Cross. Were all these moved only by "the strong attractions of exhibitions which humane men generally avoid?" If not, what right has Lord Macaulay to cast so foul an aspersion upon a man whose memory has been honoured for humanity—who would not shed

return for it. She rejoiced that God had honoured her to be the first that suffered by fire in this reign, and that her suffering was a martyrdom for that religion which was all love. Pen the Quaker told me he saw her die. She laid the straw about her for burning her speedily, and behaved herself in such a manner that all the spectators melted in tears." — BURNETT, iii. 58.

"There is daily inquisition for those engaged in the late plots, some die denying, as Alderman Cornish, others confessing, but justifying.

"Cornish died last sixth day in Cheapside, for being at the meeting that Lord Russell died

for, but denied it most vehemently to the last. A woman, one Gaunt of Wapping, of Dr Moore's acquaintance, was burned the same day at Tyburn for the high treason of hiding one of Monmouth's army; and the man saved came in [as witness] against her. She died composedly and fearless, interpreting the cause of her death God's cause. Many more to be hanged, great and small. It is a day to be wise—I long to be with you, but the eternal God do as he pleases. O! be watchful; fear and sanctify the Lord in your hearts." — PENN to HARRISON, Oct. 1685; quoted in JANNEY'S "Life of Penn."

¹ BURNETT, ii. 377.

blood even in a lawful quarrel—whose long life is unstained by any act of cruelty—and who, in countless instances, interposed to rescue the innocent victims of a tyrannical Government ?

III.

ON the 4th of April 1687, the King issued his “Declaration for Liberty of Conscience;” or, as Lord Macaulay prefers to call it, “The Memorable Declaration of Indulgence.”

This celebrated State Paper well deserves a careful perusal. It sets forth concisely the great principle “that conscience ought not to be constrained, nor people forced in matters of mere religion;” that all attempts to that end are contrary to the intent of Government—destroy trade—depopulate the countries in which they are practised—and, finally, never obtain the “end to which they are employed.”

That “after all the frequent and pressing “endeavours used in each of the last four reigns “to reduce this kingdom to an exact conformity “in religion, it was visible the success had not “answered the design, and that the difficulty “was invincible.”

These are sentences which might have come from the pen of Locke, and the truth of which was tardily acknowledged nearly a century and a half afterwards, in the repeal of the Test and Corporation Acts, and of the Catholic disabilities. The King then proceeds to grant his free pardon to all persons convicted and under sentence for “all crimes and things by them committed contrary to the penal laws formerly made relating to religion, and the profession or exercise thereof.” So far the Declaration was not only wise and just, but it was strictly in accordance with law. The power of the Crown to pardon such offences has never been disputed. But James went further ; he added the following fatal words : “ We do likewise declare, That it is our royal will and pleasure that from henceforth the execution of all and all manner of penal laws in matters ecclesiastical, for not coming to church, or not receiving the Sacrament, or for any other nonconformity to the Religion Established, or for or by reason of the exercise of religion, in any manner whatsoever, be immediately suspended : and the further execution of the

“said penal laws, and every of them, is hereby
“suspended.”

It might be wise to repeal these laws, but the King had no power to suspend them. The Crown may pardon a murderer, but cannot, without the assent of Parliament, declare that death shall not in future be awarded to him who shall be guilty of the crime of murder. The line which divides the power of pardoning an act when done, from the power of authorising the doing of that act, is, however, by no means so strongly defined as to occasion any surprise that it should be overlooked by honest and even clear-sighted men. It was not, however, overlooked by Penn.¹ He opposed this unconstitutional act in private and in public. In the address of the Quakers presented by Penn to the King, the necessity of obtaining the concurrence of Par-

“As we came from Eaton to Windsor, I freely, amongst other things, told Mr Penn that, though I was for liberty of conscience, I thought the King ill-advised to put out his Declaration of Indulgence upon the dispensing power; to which Mr Penn made no answer then, but many years after (upon what occasion I shall tell more at large before I have done) I came to know the reason of his silence, *which was because Mr Penn had been himself against putting it out upon so unpopular a prerogative.*” — LAWTON'S *Memoir*. JANNEY'S *Life of Penn*, p. 300.

liament is distinctly pointed out and insisted upon.¹ Lord Macaulay suppresses these facts, and speaks contemptuously of the address as “adulatory,” and the speech of Penn as “more adulatory still.”² It would be difficult to find either an address or a speech to a crowned head to which the term was less applicable ; but Lord Macaulay makes the assertion as he makes the omission, and few of his readers will refer to the ponderous folio containing both the documents of which he misrepresents the character.³

The Dissenters were divided as to the mode in which the declaration should be received.

One party braved the distant terrors of Popery, and gratefully accepted the freedom offered by the King. For this Lord Macaulay heaps upon them every vituperative epithet of the English language.⁴ The other adopted the Church of England as their protectress, and

¹ “We hope the good effects thereof” [*i.e.* of the Declaration for Liberty of Conscience], “for the Peace, Trade, and prosperity of the Kingdom, will produce such a concurrence from the *Parliament* as may secure it to our posterity in after times.”

See the Address in full. Life of Penn, by BESSE. Folio, i. 130, 131.

² Vol. ii. 1858, p. 483.

³ See the “Declaration,” “Address,” and “Speech” at length ; Appendix, p. 123.

⁴ Vol. ii. p. 223, 482 ; 1858.

regarded their present state of subjection, degradation, and incapacity, as a less evil than the more active persecution which they dreaded if Popery were to obtain even toleration. To them Lord Macaulay awards the mede of virtue, wisdom, and moderation.¹

At this moment the Dissenters held the balance. “Then,” says Lord Macaulay, “followed an auction the strangest that history has recorded. On one side the King, on the other the Church, began to bid eagerly against each other for the favours of those whom, up to that time, the King and the Church had combined to oppress.”²

The Baptists, who then numbered in their ranks the celebrated John Bunyan, were a powerful and important sect, well worth conciliating. Of this sect, William Kiffin, whose grandsons, the Hewlings, had fallen victims to Jeffreys, was the most influential member. “Great,” says Lord Macaulay, “as was the authority of Bunyan over the Baptists, that of William Kiffin was still greater. . . . The heartless and venal sycophants of White-

¹ Vol. ii. p. 225, 484 ; 1858.

² Mac. ii. 216, 474 ; 1858.

“ hall, judging by themselves, thought that the
“ old man would be easily propitiated by an
“ alderman’s gown, and by some compensa-
“ tion in money for the property which his
“ grandsons had forfeited. Penn was em-
“ ployed in the work of seduction, but to no
“ purpose.”¹

Was Penn employed in the work of seduction ? Lord Macaulay asserts that he was. Kiffin himself, on the other hand, distinctly says that Penn’s interference in the matter was at *his* instance, and with a view to his being excused the honour which it was sought to force on him. Two statements more diametrically opposed to each other cannot be conceived. The first question is, Which knows most about the matter ?—Kiffin, who was the person principally concerned in the transaction, and who is the only witness with regard to it—or Lord Macaulay, who writes an account of it a hundred and sixty years after the event ? There is a subsequent question which concerns the honesty of the historian, with which neither Kiffin nor Penn has anything to do, and to which I shall come presently. Kif-

¹ Vol. ii. p. 488, edit. 1858.

fin's account of the matter is in the following words :—" In a little after, a great temptation attended me, which was a commission from the King, to be one of the aldermen of the city of London ; which, as soon as I heard of it, I used all the means I could to be excused, both by some lords near the King, and also by Sir Nicholas Butler and Mr Penn. But it was all in vain ; I was told that they knew I had an interest that might serve the King, and although they knew my sufferings were great, in cutting off my two grandchildren, and losing their estates, yet it should be made up to me both in their estates, and also in what honour or advantage I could reasonably desire for myself." ¹

Kiffin says *he* applied to Sir Nicholas Butler and Penn to be excused. He says not one word of Penn applying to *him*. Lord Macaulay asserts ² that the latter part of the passage " fully bears out " all that he has said, and complains that Mr Hepworth Dixon acts unfairly by

¹ ORME, *Life of Kiffin*, p. 85. ² MACAULAY, vol. ii. 1858, p. 488, note.
Exactly transcribed from the copy in the Brit. Museum.—J. P.

terminating his quotation at the words, "but it
" was all in vain." ¹ And what does Lord Mac-
aulay do ? To *make* the passage suit his pur-
pose, he alters it ! He says, "The remainder of the
" sentence, which fully bears out all I have said,
" is carefully suppressed. Kiffin proceeds thus :
" ' I was told that they (Nicholas and Penn)
" knew I had an interest that might serve the
" King,' &c. &c."

The words "Nicholas and Penn" are not
used in this place by Kiffin : they are interpola-
tions of Lord Macaulay's ! And this in the very
sentence in which he is complaining that a
quotation has stopped short at a semicolon in-
stead of a full stop ! The words "they knew"
may grammatically mean that Nicholas and
Penn knew ; but they by no means necessarily
bear that meaning. The context shows that
Kiffin used them in the sense of "on savait," or,
"it was known." Kiffin employs Penn and his
other friends to intercede with the King and his
advisers. His application is unsuccessful ; and he
is told the reason. By what means can this be
tortured into the employment of Penn in "the

¹ DIXON'S *Life of Penn*, p. 21, edit. 1856.

“work of seduction?” Lord Macaulay must have felt that the interpolation he has made was necessary to give even a colour of possibility to such a construction.¹

Lord Macaulay has given his readers a measure of what he considers honesty. He describes his great prototype Burnett² as “emphatically

¹ It may perhaps be said that these words are in a parenthesis. So they would be if used by Kiffin. When words are introduced which are not used by the author quoted, there are two ways of marking the fact, either by reversing the inverted commas, which is the most usual and correct mode, or by placing the passage in hooks, thus : [Nicholas and Penn]. Marks of parenthesis always mean that the parenthesis occurs in the original passage quoted ; were it otherwise, it would be impossible to indicate correctly the quotation of a passage containing a parenthesis.

² “Bishop Burnett was a man of the most extensive knowledge I ever met with ; had read and seen a great deal, with a prodigious memory and a very indifferent judgment. He was extremely partial, and readily took everything for granted that he

heard to the prejudice of those he did not like, which made him pass for a man of less truth than he really was. I do not think he designedly published anything he believed to be false.

“He had a boisterous, vehement manner of expressing himself, which often made him ridiculous, especially in the House of Lords, when what he said would not have been thought so, delivered in a lower voice and a calmer behaviour. His vast knowledge occasioned his frequently rambling from the point he was speaking to, which ran him into discourses of so universal a nature, that there was no end to be expected but from a failure of his strength and spirits, of both which he had a larger share than most men, which were accompanied with a most invincible assurance.”—LORD DARTMOUTH'S *Character of Burnett*, Preface, p. 5.

an honest man.”¹ He then quotes Burnett’s account of the cause of Marlborough’s disgrace

Lord Macaulay quotes a few words from this note as the testimony of an adverse witness to Burnett’s truthfulness ;* but he omits to state that at the commencement of the second volume of the original edition,† Lord Dartmouth inserted the following note :— “ I wrote in the first volume of this book, that I did not believe the Bishop designedly published anything he believed to be false ; therefore think myself obliged to write in this, that I am fully satisfied that he published many things that he knew to be so ; ” and at the conclusion of the History he says,‡ “ thus piously ends the most partial and malicious heap of scandal and misrepresentation that ever was collected for the laudable design of giving a false impression of persons and things to all future ages.” Lord Macaulay also garbles the testimony of Swift. He says : “ Even Swift had the justice to say, ‘ After all, he’

[i.e. Burnett] ‘ was a man of generosity and good-nature.’ ” There Lord Macaulay inserts a full stop ; in the original it is a comma, and the sentence proceeds as follows : “ and very communicative ; but in his last ten years was absolutely party-mad, and fancied he saw popery under every bush.” §

Next to honesty, humanity is the virtue which Lord Macaulay most delights to claim for Burnett ; and to maintain his character for it, he suppresses the disgraceful part which Burnett took in the attainder of Fenwick.

That attainder was worthy of the worst days of the Stewarts. Lord Macaulay asserts that William entertained a personal hatred of Fenwick, because six years before he had failed to uncover and bow as the Queen passed when she held royal authority in William’s absence. “ But long after her death,” says Lord Macaulay, “ a day

* Vol. ii. p. 177.

† Vol. iv. p. 1, Oxford edition.

‡ Vol. vi. p. 168.

§ *Swift’s Works*, vol. xv. p. 215.

Remarks on Bishop Burnett’s History.

¹ Vol. ii. p. 177, 433 ; 1858.

in 1692, contained in a letter written by Burnett in September 1693, and proceeds thus :

came when he had reason to wish that he had restrained his insolence. He found, by terrible proof, that of all the Jacobites, the most desperate assassins not excepted, he was the only one for whom William felt an intense personal aversion.*

That day was come. Fenwick had been guilty of treason, but the law could not reach him, as there was but one witness of his guilt, and the statute required that there should be two. It was determined to immolate him, and a Bill of Attainder was resorted to. Burnett, departing from the usual rule which restrains bishops from taking a part in the affairs of blood, led the attack.† The bill passed the Lords by a narrow majority. Of a hundred and twenty-eight Peers, fifty-five voted against the second reading, and of those forty-nine protested. The third reading was carried by a majority of seven only, the numbers being 68 to 61.‡

Fenwick petitioned the House of Lords to intercede with the King for a reprieve of two days,

that he might prepare to die. The House readily granted this very moderate request, and ordered the Bishops of London and Salisbury (Burnett) to present the address to the King. The "humane" Burnett refused. "Their lordships," he said, "might send him to the Tower, but they had no right to send him to Kensington." The indignation of the House at this inhuman refusal was universal. Rochester proposed that Burnett should be taken at his word and sent to the Tower for refusing to obey the orders of the House; but Lord Scarborough said, he "hoped they would not insist upon doing a hardship to the only man in the House who would think it one;" and begged that he might himself be permitted to accompany the Bishop of London. This was agreed to, "with the utmost contempt for the reverend Prelate."—Note by Lord Dartmouth, who was present. BURNETT, iv. 341.

Lord Macaulay, who affects to give a detailed account of these transactions, wholly omits

* Vol. iv. p. 33.

† MAC. iv. 758, 759.

‡ MAC. iv. 761.

“ It is curious to compare this plain tale, told
 “ while the facts were recent, with *the shuffling*
 “ *narrative which Burnett prepared for the*
 “ *public eye many years later, when Marlbo-*
 “ *rough was closely united to the Whigs, and*
 “ *was rendering great and splendid services*
 “ *to the country.*”¹ The “plain tale” being that
 Marlborough had “made his peace with King
 “ James, and was engaged in a correspondence
 “ with France,” and that “he was doing all he

any allusion to this incident, and makes no reference to Lord Dartmouth’s note.—See vol. iv. p. 768.* If it be true, as Lord Macaulay implies, that William closed his ears to the cries for mercy which rose around him from feelings of “intense personal aversion” † — that he added to this the hypocrisy of pretending to consider that “the matter was one of public concern, and that he must deliberate with his ministers” before he decided on the petition which the wife of Fenwick offered at his feet ‡ — that the last Bill of attainder by which any person has suffered death

in England,§ was passed in order that he might gratify the feelings of revenge, which he entertained for a trifling slight offered six years previously, by bringing to the block, by means of an ex post facto law, a man who could not be reached by the arm of justice ;—if this be true, the world has seen no instance of more fiendish malignity. If it be false, no fouler slander ever issued from the press. True or false, what must we think of the moral sense of the historian who passes it over, without reprobation, without comment, almost, it would seem, with approval ?

* Vol. vii. p. 402 ; 1858. † MAC. iv. 34. ‡ Vol. iv. p. 766. § Vol. iv. p. 769.

¹ Vol. iv. p. 167.

“ could to set on a faction in the army and “ the nation against the Dutch.” So Burnett wrote in 1693. The “ Shuffling narrative ” asserts that the original cause of his disgrace arose “ from a quarrel about the settlement “ of an income on the Princess Anne ; ” so Burnett deliberately gave it to the world in 1705.¹

So that, in Lord Macaulay’s opinion, there may be circumstances under which it is consistent with “ emphatic honesty ” to prepare a deliberately false account of a transaction the truth of which is within the knowledge of the writer, and to give that false account to the public under the form of history ! This estimate of what an historian owes to his party, may account for some passages in Lord Macaulay’s History which otherwise might surprise the reader. Penn was the object of bitter hatred and persecution on the part of those whom Lord Macaulay seeks to extol. He was faithful in misfortune to those whom Lord Macaulay seeks to degrade. Those simple facts may perhaps ac-

¹ See BURN. iv. 157.

count for Lord Macaulay's determination to blacken his character. The passage just cited shows the means which Lord Macaulay thinks may be used consistently with "emphatic honesty."

IV.

TRUTH and fiction are so strangely interwoven in the account which Lord Macaulay gives of the transactions relating to Magdalen College, that the only mode in which they can be disentangled is by a short narrative of the facts and dates, and a reference to the authorities.¹ In the month of March 1687, the Presidentship of Magdalen College became vacant by the death of Dr Clark. The right of election was vested in the Fellows, but no one was eligible under the statutes who had not been a Fellow either of Magdalen or New College. The election was fixed for the 13th of April.

On the 5th of that month the King issued his mandate, requiring the Fellows to elect one Anthony Farmer to the place of President. A more unfit selection could hardly have been made. Farmer was not a Fellow of either Mag-

¹ State Trials, vol. xii. p. 1.

dalen or New College, and was therefore clearly ineligible by the statutes. He was, moreover, a man of dissolute life and lax opinions ; some ten years before he had been admonished by the authorities of Trinity College, Cambridge—to which he then belonged—for attending a dancing school, and had confessed the crime. He then committed the graver offence of becoming usher to Mr Benjamin Flower, a Nonconformist preacher, who kept a school at Chippingham, without license from the Bishop. He was subsequently entered of St Mary Magdalen Hall, where he was esteemed to be of a “troublesome and unpeaceable humour.” Leaving the hall, he got himself admitted into Magdalen College, and was observed by the porter to enter the college late at night, his gait and speech both betraying symptoms unbefitting the known sobriety of the university. He was said (this, however, was supported by nothing that could be considered as legal evidence) to have shared with a profligate gentleman commoner of the name of Bambrigg, and his companions, whose names have not been preserved, and probably would not be worth recording, and even to

have encouraged them in certain dissolute proceedings in London. When or where these transactions took place does not appear, nor does it seem that the worst charges were supported by more than mere hearsay, or that Mr Farmer ever had the opportunity of answering them. He appears, however, on one occasion to have spent a whole day at the Lobster in Abingdon with Mr Clerk, Mr Gravenor, and Mr Jennyfar, when he sat up till one in the morning. The next day he went to the Bush Tavern in the same company, and added the enormity of having a quarter of lamb for supper. On his return to the Lobster he kissed Mrs Martha Mortimer the landlady, with gross rudeness, and she, like a discreet dame, “immediately went out of his company, “and would not come nigh him any more.” But the climax of his iniquities was attained on a fatal night when, in company of William Hopkins, of Abingdon, and some others, he did, “in a frolick “and at an unreasonable time of night, take “away the town stocks from the place where they “constantly stood, and carried them in a cart a “considerable way, and threw them into a pool, “commonly called Mad Hall’s Pool.” He was

certainly unfit, as well as disqualified, to be President of Magdalen College.¹ The town stocks, which he treated so contumeliously, would have been a fitter place for him. Whether he deserves the eloquent execration with which Lord Macaulay has denounced him, may be doubted ;² history unhappily records blacker iniquities than any that have been charged against Anthony Farmer ; and abundant as Lord Macaulay's stores of abuse are, there are limits even to the foul epithets of the English language. It is reckless prodigality to waste so much vituperation on so insignificant an object. There is another and more serious evil. The impetuous torrent of abuse sweeps the offence out of sight. It is impossible to remember that a man is a criminal when one sees him broken on the wheel. When Lord Macaulay describes the "frolick" at Abingdon in the following words, "He was *celebrated* for having *headed a disgraceful riot* at Abingdon,"³ one is tempted to ask how

¹ Any one who is curious as to the particulars of the misdeeds of this very worthless person, will find them recorded in the 12th vol. of the St. Tri. p. 11 to 15.

² Vol. ii. p. 290 ; vol. iii. p. 21 ; 1858.

³ Vol. iii. p. 21 ; 1858.

long it is since the days of Tom and Jerry ? whether Greenwich fair still exists ? and whether sedate men, well deserving of the highest honours that Oxford or Cambridge can bestow, have always frowned so severely on such proceedings ? whether, after all, one would not rather like to throw the parish stocks (if such a moveable could be found) into Mad Hall's Pool one's-self ? Nothing is so destructive of sound and healthy morality as visiting petty offences with the punishment due to great crimes. Lord Macaulay almost leads us to forget how mean, profligate, and contemptible a person Anthony Farmer really was. The Fellows of Magdalen acted more wisely : they relied on his ineligibility.¹ They represented to the King that, not being of the foundation, he was incapable according to the founder's statutes ; and they prayed his Majesty “ either to leave
“ them to the discharge of their duties and con-
“ sciences, according to his Majesty's late most
“ gracious toleration and their founder's statutes,
“ or to recommend such a person who might be
“ more serviceable to his Majesty and to the Col-

¹ St. Tri. xii. 10.

“lege.”¹ The only reply they received, after postponing the election to the last moment at which it could be legally held, was, that “the King expected to be obeyed.” The Fellows took the bold course, adhered to their statutes, disobeyed the mandate of the King, and elected Dr Hough as their President. He was sworn and admitted. The choice of the Fellows was as judicious as that of the King had been otherwise. Hough was a man of character, learning, ability, and courage, well qualified for the coming struggle.

On the 6th of June following, the Vice-President and Fellows were cited to appear at Whitehall before “His Majesty’s Commissioners for Ecclesiastical Causes, &c.,” to answer for their disobedience to the King’s mandate ; and on the 22d of the same month the Commissioners declared the election of Hough void.²

No further step was taken to force Farmer upon the College ; but on the 14th of August the King issued a fresh mandate, requiring the Fellows to elect Parker, Bishop of Oxford, to the place of President.

¹ St. Tr. xii. 6.

² St. Tr. xii. 9, 16.

On the evening of Saturday, the 3d of September,¹ the King, in the course of his Progress, arrived at Oxford, and on the following day required the attendance of the Fellows. Of this interview the following curious contemporary record is preserved in the State-Paper Office :—

September y^e 9th /87.

“The Lord Sunderland sent order to the Fellows of Magdalene College to attend the King on Sunday last at 11 o’clock, or at 3 in the afternoon.

“They attended accordingly, Dr Pudsey speaker.

“K. ‘What’s your name? Are you Dr Pudsey?’

“Dr P. ‘Yes, may it please your Majesty.’

“K. ‘Did you receive my letter?’

“Dr P. ‘Yes, sir, we did.’

“K. ‘Then you have not dealt with me like gentlemen. You have done very uncivilly by me, and undutifully.’ Then they all kneeled down, and Dr Pudsey offered a petition containing the reasons of their proceedings, which

¹ Ath. Oxon. Life of Wood, vol. i. 275, ed. 1848 ; Ellis’ Correspondence, vol. i. 337.

“ his Majesty refused to receive, and said : ‘ You
“ have been a stubborn and turbulent College ; I
“ have known you to be so this twenty-six years ;
“ you have affronted me in this. Is this your
“ Church of England loyalty ? One would wonder
“ to find so many Church of England men in
“ such a business. Goe back, and shew yourselves
“ good members of the Church of England, gett
“ ye gone ; know I am your King, and command
“ you to be gone ; goe, and admit the Bishop of
“ Oxford head, principal—what do you call it, of
“ your College ? ’ One standing by said, ‘ President.’

“ K. ‘ I mean President of your College. Let
“ him know that refuses it.—Looke to’t ; they
“ shall find the weight of their sovereign’s displeasure.’

“ The Fellows went away, and, being gone out,
“ were recalled.

“ K. ‘ I hear you have admitted a Fellow of
“ your College since you received my inhibition ;
“ is this true ? Have you admitted Mr Holden
“ Fellow ? ’

“ Dr P. ‘ I think he was admitted Fellow, but
“ we conceive—’

“ The Dr hesitating, another said, ‘ May it

“ please your Majesty, there was no new election
 “ or admission since your Majesty’s inhibition ;
 “ but only the consummation of a former election.
 “ We always elect to our year’s probation, then
 “ the person elected is received or rejected for
 “ ever.’

“ K. ‘ The consummation of a former election ;
 “ ’twas downright disobedience, and ’tis a
 “ fresh aggravation. Get ye gone home, and
 “ immediately repair to your chappell and elect
 “ the Bishop of Oxford, or else you must expect
 “ to feel the heavy hand of an angry King.’

“ The Fellows offered their petition again on
 “ their knees.

“ K. ‘ Gett ye gone ; I will receive nothing
 “ from—till you have obeyed me, and elected
 “ the Bishop of Oxford.’

“ Upon which they went directly to their
 “ chappell, and Dr Pudsey proposing whether
 “ they would obey the King and elect the Bishop,
 “ they answered, every one in his order, they
 “ were all very willing to obey his Majesty in all
 “ things that lay in their power as any of the rest
 “ of his Majesty’s subjects ; but the electing of the
 “ Bishop of Oxford being directly contrary to their

“ statutes, and to the positive oath they had taken,
 “ they could not apprehend it in their power to
 “ obey him in this matter ; only Mr Dobson (who
 “ had publicly prayed for Dr Hough, the un-
 “ doubted President) answered doubtingly, he
 “ was ready to obey in everything he could ; and
 “ Mr Charrocke, a Papist, that he was for obey-
 “ ing in that.”¹

At this point begin the charges brought by Lord Macaulay against Penn with regard to this transaction.

Penn had been with the King at Chester, and had accompanied him to Oxford. On the same day on which the angry interview between the King and the Fellows took place, Penn dined in company with Creech, one of the Fellows, who took the opportunity to have a long conversation with him regarding the affairs of the College. This appears from a letter written by Creech to Charlett, another Fellow, dated the 6th of September. For anything that appears to the contrary, this was the first occasion on which the affairs of the College were brought to the notice of Penn, who subsequently expressed to Hough

¹ State-Paper Office, Domestic, James II., 1687, No. 4.

his regret that he had not concerned himself about them at an earlier period ;¹ and it was unquestionably in the character of a mediator with the King that he acted ; for, on the following day (Monday, the 5th of September), he went to the College, and, after hearing from the Fellows a statement of their case, he wrote to the King, remonstrating with him in bold language, and representing the inconsistency of his conduct with the professions of his Declaration of Indulgence.

Lord Macaulay delights to sneer at Penn as a “courtly Quaker.” Who but Penn would have been bold enough to face James in the very moment of his wrath, and to tell him unpalatable truths ? With regard to this part of the transaction the evidence is abundant and unexceptionable. The following passages, which occur in letters addressed at the time by Creech and Sykes, two of the Fellows, to Charlett, who was absent, are conclusive. The originals are preserved in Dr Ballard’s collection of Letters at Oxford, and they have been printed in the *Athenæum Magazine* for April and May 1809.

¹ Hough’s Letter, *post*.

“ On Monday morning, Mr Penn, the Quaker
“ (with whom I dined the day before, and had a
“ long discourse concerning the College), wrote a
“ letter to the King in their behalf, intimating
“ that such mandates were a force on conscience,
“ and not very agreeable to his other gracious
“ indulgences.” — CREECH to CHARLETT, Sep-
tember 6, 1687 ; *Athenæum*, May 1809.

“ On Monday morning Mr Penn rode down
“ to Magdalen College just before he left this
“ place, and after some discourse with some of
“ the Fellows, wrote a short letter, directed to
“ the King. In it, in short, he wrote to this
“ purpose, that their case was hard, and that in
“ their circumstances they could not yield obe-
“ dience without a breach of their oaths ; which
“ letter was delivered to the King. I cannot
“ learn whether he did this upon his own free
“ motion or by command, or intercession of any
“ other.” — SYKES to CHARLETT, September 7,
1687 ; *Athenæum Magazine*, April 1809.

“ The discourse that Penn had with some
“ of the Fellows of Magdalen College, and

“ the letter mentioned in my last, produced a
“ petition, which was subscribed by all the Fel-
“ lows, and given to my Lord Sunderland, who
“ promised to present it to the King.”—*Same to*
Same, September 9, 1687.

Such is the account given by the Fellows of Magdalen themselves in the freedom and confidence of correspondence with each other. It is clear that they regarded Penn in the light of a mediator with the King; that it was at their instance he interfered in the matter; that his letter to the King was written at their request, and with their full knowledge, sanction, and approval; that their petition was founded upon it; and, as one of them, Dr Baily, afterwards expressed it, they felt that Penn “appeared in
“ their behalf,” and that he “employed much of
“ his time in doing good to mankind, and used
“ his credit with the King to undeceive him in
“ any wrong opinions given him of his conscien-
“ tious subjects.”¹

We now come to Lord Macaulay's account of the same transaction.

¹ St. Tr., vol. xii. p. 22.

“ The King, greatly incensed and mortified by
“ his defeat, quitted Oxford and rejoined the
“ Queen at Bath. His obstinacy and violence
“ had brought him into an embarrassing position.
“ He had trusted too much to the effect of his
“ frowns and angry tones, and had rashly staked,
“ not merely the credit of his administration,
“ but his personal dignity, on the issue of the
“ contest. Could he yield to subjects whom he
“ had menaced with raised voice and furious ges-
“ tures ? Yet could he venture to eject in one
“ day a crowd of respectable clergymen from
“ their homes, because they had discharged what
“ the whole nation regarded as a sacred duty.
“ Perhaps there might be an escape from the
“ dilemma ; perhaps the College might still be
“ terrified, caressed, or bribed into submission.
“ *The agency of Penn was employed.*”¹

This is the first of the several distinct per-
versions of the facts in the narrative given by
Lord Macaulay of this transaction.

It is painful to be compelled to use expressions
so strong, but the English language contains none

¹ Vol. ii. p. 298 ; vol. iii. p. 29, edit. 1858.

less severe by which the statements of Lord Macaulay can be truly designated.

The memorandum in the State-Paper Office fixes the interview between the King and the Fellows as having taken place on the Sunday before the 9th of September 1687—*i. e.* Sunday the 4th of September. Creech's letter to Charlett is dated the 6th September. He speaks of Penn's letter of remonstrance to the King on behalf of the Fellows as having been written "on Monday morning." Sykes, writing on the 7th of September, uses the same expression, and says that it was written "just before he¹ left" Oxford, and "after some discussion with the "Fellows." This letter produced, he says, the petition to the King, which was signed by all the Fellows. The sequence of events is thus proved to have been as follows :—On Saturday the 3d September, the King came to Oxford ;² on Sunday the 4th he sent for the Fellows of Magdalen, and had the angry interview with them.³ On the afternoon of the same day Creech dined with Penn, "had a long discourse concerning the College," and no doubt solicited his

¹ *i. e.* Penn.

² *Ante*, p. 50.

³ *Ante*, p. 50.

good offices on its behalf.¹ On Monday the 5th² Penn went to the College, had a conversation with the Fellows, and wrote a letter on their behalf to the King, remonstrating with him on the injustice of his proceedings, and the inconsistency of his conduct with his declaration for liberty of conscience. On the afternoon of the same day Penn left Oxford.³

With these plain facts and dates before him, Lord Macaulay ventures to assert that Penn was employed by the King to “terrify, caress, or “bribe” the Fellows into submission, and to represent this as having taken place after the King had “quitted Oxford and rejoined the “Queen at Bath,” and in consequence of the reflections induced by the “embarrassing position” in which he found himself. As may well be supposed, Lord Macaulay suppresses the fact of Penn’s having written his letter of remonstrance to the King, and carefully avoids the citation of any authority. The thing chiefly to be wondered at is, that he should have ventured upon a statement so easily and so conclusively shown to be unfounded.

¹ *Ante*, p. 55.

² *Ante*, p. 55.

³ *Ante*, p. 55.

Lord Macaulay then proceeds : “ He” [*i. e.* Penn] “ had too much good feeling to approve of “ the violent and unjust proceedings of the Government, and even ventured to express part of “ what he thought. James as usual was obstinate “ in the wrong. The courtly Quaker therefore “ did his best to seduce the College from the “ path of right. He first tried intimidation. “ Ruin, he said, impended over the society. The “ King was highly incensed. The case might “ be a hard one ; most people thought it so ; “ but every child knew that his Majesty loved “ to have his own way, and could not bear to be “ thwarted. Penn, therefore, exhorted the Fellows not to rely upon the goodness of their “ cause, but to submit, or at least to temporise.”¹

At this point Lord Macaulay inserts his sole attempt to produce evidence in support of his charge against Penn ; and of what does it consist ? An anonymous letter ! At the latter end of September or beginning of October 1687, Dr Baily, one of the Fellows of Magdalen, received an anonymous letter, which, “ from its charitable

¹ Vol. ii. p. 298, edit. 1858 ; iii. 30.

“ purpose,”¹ he conjectured might come from Penn. Baily, as it turned out, was wrong in his conjecture, for, upon inquiry, Penn declared that it was not his.²

Lord Macaulay asserts that “ the evidence “ which proves the letter to be his is irresistible.”³

It may with far more truth be said that there is not one particle of evidence to that effect. Lord Macaulay asserts that Penn did not deny that it was his. Penn did deny that it was his, and his denial is recorded by those to whom it was made, and whose interests it concerned.⁴ This fact, though brought expressly to Lord Macaulay’s knowledge, he fails to notice, and relies as evidence (!) on the circumstance that after years had elapsed, after Penn had left England for America, and returned, his mind filled with political anxieties, and his heart torn by

¹ BAILY’s Letter, xii. St. Tr., in Hunt’s hand in the margin of this letter, the words, ‘ this letter Mr Penn disowned.’”

² HUNT MS., fo. 45, Mag. Col., Oxford; cited Dixon’s *Life of Penn*, edit. 1856, xxvii. 1851, 455, citing the Hunt MSS.

³ Edit. 1858, iii. 30. in Magdalen College. Hunt

⁴ “ The contemporary account was one of the Fellows at the of these proceedings, has written time.

domestic afflictions, he either did not know that this letter had been attributed to him in two or three publications, or did not think it worth while to contradict the misstatement. This Lord Macaulay calls "irresistible" evidence to prove the letter his !

Not only is there no evidence to show that Penn wrote this letter, but it is impossible to suggest any motive which could induce him to write anonymously. If he wished to produce any effect, he was certainly more likely to do so by using his name than by suppressing it. Even supposing the letter were written by Penn, it in no way supports Lord Macaulay's statement : nor does it in any way refer to the interview at Oxford.¹

After some comment on the counsel which

¹ The anonymous letter will be found printed at length in the 12th vol. of the St. Tr. 21. After some complimentary expressions with regard to Dr Baily, to whom it was addressed, and an assurance of his goodwill to the College, the writer proceeds to urge a compliance with the wishes of the King, or that some expedient should be devised to avert his anger, and avoid the ruin which was impending over the College, the overthrow of which "would be a fair beginning of so much aimed at reformation, first of the University, then of the Church, and administer such an opportunity to the enemy as may not perhaps occur in his Majesty's reign."

Penn certainly did *not* give, Lord Macaulay proceeds : “Then Penn tried a gentler tone. He “had an interview with Hough, and with some “of the Fellows, and, after many professions of “sympathy and friendship, began to hint at a “compromise.”

Lord Macaulay carefully avoids dates. Penn had two interviews—the first with the Fellows at Magdalen on the 5th of September, and the second with Dr Hough, and Hamond, Hunt, Cradock, and Young, four of the Fellows, at Windsor, on the 9th of October following. Lord Macaulay in his narrative mixes these two interviews, and the contents of the anonymous letter addressed to Baily, all up together, until the confusion he produces is utterly inextricable.

As we have the testimony of Creech and Sykes for the first of those two interviews, we have that of Dr Hough for what took place at the last. It is the only evidence of any kind in existence, and, making allowance for the pardonable spleen which the haughty churchman appears to have felt at being obliged to seek the favour of a Papist through the mediation of a Quaker, and his disgust at being compelled to

listen in silence to a doctrine so discordant to his feelings, as that others than those who belonged to his communion should be permitted to "give their children a learned education," it is probably tolerably accurate. At any rate, it is the only evidence we have, and it is more trustworthy than Lord Macaulay's paraphrase.

Hough's account is contained in a letter written on the evening of the day when the interview took place, and is as follows :—

" October the 9th, at night.

" DEAR COUSIN,—I gave you a short account
" of what passed at Windsor this morning, but
" having the convenience of sending this by Mr
" Charlett, I fancy you will be well enough satisfied to hear our discourse with Mr Penn
" more at large.

" He was, in all, about three hours in our
" company, and, at his first coming in, he began
" with the great concern he had for the welfare
" of our College, the many efforts he had made
" to reconcile us to the King, and the great sincerity of his intentions and actions ; that he
" thought nothing in this world was worth a

“ trick, or anything sufficient to justify collusion
“ or deceitful artifice ; and this he insisted so
“ long upon, that I easily perceived he expected
“ something of a compliment by way of assent
“ should be returned ; and therefore, though I
“ had much ado to bring it out, I told him that,
“ whatever others might conceive of him, he
“ might be assured we depended upon his since-
“ rity, otherwise we would never have given our-
“ selves the trouble to come thither to meet him.

“ He then gave an historical account in short
“ of his acquaintance with the King ; assured
“ us it was not Popery, but property, that first
“ began it ; that, however people were pleased
“ to call him Papist, he declared to us that he
“ was a dissenting Protestant ; that he dissented
“ from Papists in almost all those points wherein
“ we differ from them, and many wherein we and
“ they are agreed.

“ After this we came to the College again.
“ He wished with all his heart he had sooner
“ concerned himself in it, but he was afraid that
“ he now came too late ; however, he would use
“ his endeavours, and if they were unsuccessful,
“ we must refer it to want of power, not of good-

“ will to serve us. I told him I thought the
“ most effectual way would be, to give His Ma-
“ jesty a true state of the case, which I had
“ reason to suspect he had never yet received ;
“ and therefore I offered him some papers for
“ his instruction, whereof one was a copy of our
“ first petition before the election ; another was
“ our letter to the Duke of Ormond, and the state
“ of our case ; a third was that petition which
“ our Society had offered to His Majesty here at
“ Oxford ; and a fourth was that sent after the
“ King to Bath. He seemed to read them very
“ attentively, and, after many objections (to
“ which he owned I gave him satisfactory an-
“ swers), he promised faithfully to read every
“ word to the King, unless he was peremptorily
“ commanded to forbear. He was very solicit-
“ ous to clear Lord Sunderland, and throw the
“ odium upon the Chancellor ; which I think I
“ told you in the morning, and which makes me
“ think there is little good to be hoped for from
“ him.

“ He said the measures now resolved upon
“ were such as the King thought would take
“ effect ; but he said he knew nothing in parti-

“ cular, nor did he give the least light, or let
“ fall anything wheron we might so much as
“ ground a conjecture, nor did he so much as
“ hint at the letter which was sent to him.

“ I thank God he did not so much as offer at
“ any proposal by way of accommodation, which
“ was the thing I most dreaded ; only once,
“ upon the mention of the Bishop of Oxford's
“ indisposition, he said, smiling, ‘ If the Bishop
“ of Oxford die, Dr Hough may be made bishop.
“ What think you of that, gentlemen ? ’ Mr
“ Cradock answered, they should be heartily
“ glad of it, for it would do very well with the
“ presidentship. But I told him seriously ‘ I
“ had no ambition above the post in which I
“ was ; and that having never been conscious to
“ myself of any disloyalty towards my prince, I
“ could not but wonder what it was should make
“ me so much more incapable of serving His
“ Majesty in it than those whom he had been
“ pleased to recommend.’ He said, ‘ Majesty
“ did not love to be thwarted ; and after so long
“ a dispute, we could not expect to be restored
“ to the King's favour without making some con-
“ cessions.’ I told him, ‘ that we were ready to

“ make all that were consistent with honesty and
“ conscience.’ But many things might have been
“ said upon that subject which I did not then
“ think proper to mention. ‘ However,’ said I,
“ ‘ Mr Penn, in this I will be plain with you, we
“ have our statutes and oaths to justify us in all
“ we have done hitherto ; but, setting this aside,
“ we have a religion to defend ; and I suppose
“ yourself would think us knaves if we should
“ tamely give it up. The Papists have already
“ gotten Christ Church and University ; the pre-
“ sent struggle is for Magdalen ; and in a short
“ time, they threaten us, they will have the rest.’
“ He replied with vehemence, ‘ That they shall
“ never have, assure yourselves. If they once
“ proceed so far, they will quickly find them-
“ selves destitute of their present assistance.
“ For my part, I have always declared my opinion
“ that the preferments of the Church should not
“ be put into any other hands but such as they
“ are at present in ; but I hope you would
“ not have the two Universities such invincible
“ bulwarks for the Church of England that none
“ but they must be capable of giving their chil-
“ dren a learned education. I suppose two or

“ three Colleges will content the Papists. Christ
“ Church is a noble structure, University is a
“ pleasant place, and Magdalen College is a
“ comely building. The walks are pleasant, and
“ it is conveniently situated, just at the entrance
“ of the town,’ &c. &c. When I heard him talk
“ at this rate, I concluded he was either off his
“ guard, or had a mind to be droll upon us.
“ ‘However,’ I replied, ‘when they had ours,
“ they would take the rest, as they and the
“ present possessors could never agree.’ In
“ short, I see it is resolved that the Papists
“ must have our College, and I think all we
“ have to do is to let the world see that they
“ TAKE it from us, and that we do not GIVE it
“ up.

“ I count it great good fortune that so many
“ were present at this discourse (whereof I have
“ not told you a sixth part, but I think the
“ most considerable) ; for otherwise I doubt this
“ last passage would have been suspected, as if
“ to heighten their courage through despair. But
“ there was not a word said in private—Mr
“ Hammond, Mr Hunt, Mr Cradock, and Mr
“ Young being present all the time.

“ Give my most humble service to Sir Thomas Powell and Mrs Powell.

“ I am, dear Sir, your very affectionate and faithful servant,—J. H.”¹

Such is Hough's narrative : Lord Macaulay's paraphrase is as follows :—

“ Then Penn tried a gentler tone. He had an interview with some of the Fellows, and, after many professions of sympathy and friendship, began to hint at a compromise. The King could not bear to be crossed ; the College must give way ; Parker must be admitted ; but he was in very bad health ; all his pre-ferments would soon be vacant. ‘ Dr Hough,’ said Penn, ‘ may then be Bishop of Oxford. How should you like that, gentlemen?’ Penn had passed his life in declaiming against a hireling ministry. He held that he was bound to refuse the payment of tythes, and this even when he had bought land chargeable with tythes, and had been allowed the value of the tythes in the purchase-money. According to his own principles, he would have committed a

¹ *Life of Hough*, p. 25.

“ great sin if he had interfered for the purpose of obtaining a benefice on the most honourable terms for the most pious divine. Yet to such a degree had his manners been corrupted by evil communication, and his understanding obscured by inordinate zeal for a single object, that he did not scruple to become a broker in simony of a peculiarly discreditable kind, and to use a bishopric as a bait to tempt a divine to perjury. Hough replied, with civil contempt, that he wanted nothing from the Crown but common justice. ‘We stand,’ he said, ‘upon our statutes and our oaths; but even setting aside our statutes and our oaths, we feel we have a religion to defend.’”—[They had the rich revenues of Magdalen College to defend too, and they were quite right to defend them.]—“ ‘The Papists have robbed us of University College; they have robbed us of Christ Church. The fight now is for Magdalen. They will soon have all the rest.’ Penn was foolish enough to answer that he really believed that the Papists would now be content. ‘University,’ he said, ‘is a pleasant College; Christ Church is a noble place; Magdalen is a fine building; the situation is convenient; the walks by the

“ river are delightful. If the Roman Catholics
 “ are reasonable, they will be satisfied with
 “ these.’ This absurd avowal would alone have
 “ made it impossible for Hough and his brethren
 “ to yield. The negotiation was broken off, and
 “ the King hastened to make the disobedient
 “ know, as he had threatened, what it was to
 “ incur his displeasure.”¹

Every one has heard of the client who burst into tears at the recital given by his counsel of the wrongs he had suffered, and declared that, until that moment, he had not the slightest idea how ill he had been used. Such is the case with Dr Hough. He had not the most remote notion that he was tempted to commit either simony or perjury. He emphatically “ thanks “God” that Penn “did not so much as offer at “ any proposal by way of accommodation.”² *He* never suspected Penn to be a “ broker in simony ;” that he was using “ a bishopric as a bait

¹ MAC. edit. 1858, iii. 31-33. Genesis, vii. 23 ; xlvii. 20, 22.

² Lord Macaulay argues that “ the latter part of the sentence” [in Hough’s letter] “ limits the general assertion contained in the former part,”* and cites

It hardly required so high an authority to prove the general proposition that the latter part of a sentence may limit the former. But, applied to the case

* Vol. iii. 32, note ; 1858.

“to tempt a divine to perjury.” Penn angled so skilfully, that he not only concealed the hook, but the bait also ! It was left for Lord Macaulay, more than a century and a half after the events had taken place, to discover all this villany, when neither Hough, nor Sykes, nor Charlett, nor Hammond, nor Hunt, nor Craddock, nor Young, who had their wits sharpened by the sense of wrong, by their aversion to a Quaker, and their hatred of a Papist—nor any other mortal man who had anything to do with the transaction—ever so much as suspected it.

Lord Macaulay, who knows more of what Kiffin did and said than Kiffin himself, is gifted with a like penetration as to Hough. Neither is to be trusted to tell his own story ; but the reverse of what each asserts is to be accepted as the narrative sanctioned by his authority. Such is History in the hands of Lord Macaulay !

<p>in question, Lord Macaulay's argument involves the absurdity that Hough must be supposed to have made the most solemn and emphatic assertion of a fact, only for the purpose of directly contradicting himself in the next line—to have in the most distinct language stated, that “the</p>	<p>the thing he most dreaded” had <i>not</i> happened, only for the purpose of immediately afterwards saying it <i>had</i> happened ! To suppose that a man of Hough's intelligence should commit these absurdities, only shows to what straits Lord Macaulay is reduced to support his statement.</p>
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V.

WE shall now have to regard Penn from a different point of view.

Hitherto he has appeared as the personal friend of the King. Whilst peers and privy councillors stood in the anteroom, he was admitted to the privacy of the royal closet. He was the messenger of pardon and mercy ; his word opened the prison doors ; his abode was thronged by suppliants ; and his steps were followed by blessings. He had obtained for Locke ("the most illustrious and most grossly injured " man amongst the British exiles " ¹) permission to return to his native land, ² and even had influence sufficient to recall from banishment a man so obnoxious as Trenchard. ³ He had established a Commonwealth across the Atlantic,

¹ MAC., vol. ii. p. 122 ; 1858.

² DIXON'S *Life of Penn*, p. 292, edit. 1851, and the authorities there cited.

³ DIXON'S *Life of Penn*, p. 322. MAC. iv. 372. LAWTON'S *Memoir*. JANNEY'S *Life of Penn*, 301.

on the basis of perfect religious freedom, and had urged the adoption of the same principle at home. He had remonstrated against the unconstitutional powers assumed by the King in his declaration for freedom of conscience. He had opposed the proceedings against the bishops, and urged the King to avail himself of the occasion of the birth of the Prince of Wales to set them at liberty.¹ His was the only tongue bold enough to tell unwelcome truths to his sovereign; and it is some satisfaction to find, that among the many dark blots which stain the character of James, he appears never to have visited this brave and faithful servant with his displeasure. Such was the position of William Penn at the close of the year 1688. But the day was rapidly approaching when all this was to change. For the next three years he was to find himself the object of the most unrelenting and vexatious persecution.

On the morning of the 11th December 1688, the King fled from London.²

Penn, walking in Whitehall, was immediately

¹ See LAWTON'S *Memoir*. JANNEY'S *Life of Penn*, 307. ² *Ellis Cor.* ii. 345.

arrested, and brought before the Lords of the Council, who were then sitting ;¹ but no charge was made, and he was set at liberty on giving bail to the amount of £6000 for his appearance. He was not, however, allowed to remain long at peace ; for, on the 27th of February following, a warrant was issued for his arrest.² Penn immediately wrote to Lord Shrewsbury,³ as follows :—

“ I thought it would look rather foolish than
 “ innocent, to take any notice of popular fame ;
 “ but so soon as I could inform myself that a
 “ warrant was out against me (which I knew
 “ not till this morning), it seemed to me a re-
 “ spect due to the Government, as well as a
 “ justice to myself, to make this address, that so
 “ my silence might neither look like fear nor
 “ contempt ; for as my conscience forbids the
 “ one, the sense I have of my duty will not let
 “ me be guilty of the other.

“ That which I have humbly to offer is this :

¹ BESSE, 139. *Ellis Cor.* ii. ³ PENN to LORD SHREWSBURY,
 356, Dec. 13, 1688. Mar. (1st mo.) 1689. JANNEY'S

² Pro. Co. Reg. Feb. 27, 1688-9. *Life of Penn*, 353.

“ I do profess solemnly, in the presence of God,
“ I have no hand or share in any conspiracy
“ against the King or Government, nor do I
“ know any that have ; and this I can affirm
“ without directing my intention equivocally.
“ And though I have the unhappiness of being
“ very much misunderstood in my principles
“ and inclinations by some people, I thought I
“ had some reason to hope this King would not
“ easily take me for a plotter, to whom the last
“ Government always thought me too partial.
“ In the next place, as I have behaved myself
“ peaceably, I intend, by the help of God, to
“ continue to live so ; but being already under an
“ excessive bail (when no order or matter ap-
“ peared against me), and having, as is well known
“ to divers persons of good credit, affairs of great
“ importance to me and my family now in hand,
“ that require to be despatched for America, I
“ hope it will not be thought a crime that I do not
“ yield up myself an unbailable prisoner ; and
“ pray the King will please to give me leave to
“ continue to follow my concerns at my house in
“ the country ; which favour, as I seek it by the
“ Lord Shrewsbury’s mediation, so I shall take

“ care to use it with discretion and thankfulness.

“ I am, his affectionate friend to serve him,—

“ WM. PENN.”

We now come to Lord Macaulay's Fifth charge. It is contained in the following passage :—

“ The conduct of Penn was scarcely less scandalous ; he was a zealous and busy Jacobite ; and his new way of life was even more unfavourable than his late way of life had been to moral purity. It was hardly possible to be at once a consistent Quaker and a courtier ; but it was utterly impossible to be at once a consistent Quaker and a conspirator. It is melancholy to relate that Penn, while professing to consider even defensive war as sinful, did everything in his power to bring a foreign army into the heart of his own country. He wrote to inform James that the adherents of the Prince of Orange dreaded nothing so much as an appeal to the sword, and that if England were now invaded from France or from Ireland, the number of royalists would appear to be greater than ever. Avaux thought this letter so important, that

“ he sent a translation of it to Louis. A good
 “ effect, the shrewd ambassador wrote, had been
 “ produced by this and similar communications
 “ on the mind of King James : his Majesty was
 “ at last convinced that he could recover his do-
 “ minions only sword in hand. It is a curious
 “ fact that it should have been reserved for the
 “ great preacher of peace to produce this convic-
 “ tion in the mind of the old tyrant.”¹

This virulent attack Lord Macaulay attempts
 to justify by quoting a letter written by Avaux
 to Louis on the 5th of June 1689. It is the
 sole authority for the passage. Lord Macaulay
 justly observes, that “ of the difference between
 “ right and wrong, Avaux had no more notion
 “ than a brute.”² But even this very question-
 able witness does not say what Lord Macaulay
 puts into his mouth, nor anything approach-
 ing it.

The license of translation which Lord Mac-
 aulay allows himself is something marvellous.³

Avaux, writing on the 5th of June 1689,

¹ MAC. iii. 587 ; v. 218 ; 1858. 1858. Barillon, writing on Sep-

² Vol. iii. p. 168. tember 6-16, 1687, says, referring

³ An amusing instance is to to what was taking place in Ire-
 be found, p. 27, v. iii., edition land, “ Il reste encore beaucoup

from Dublin, where James was then holding his court, informs Louis that important news had arrived from England and *Scotland*. He then proceeds : “ Le commencement des nouvelles “ datées d’Angleterre est la copie d’une lettre de “ M. Pen que J’ay veue en original.” Avaux, be it observed, says not one word from which it can be inferred that Penn’s letter was addressed to James : it might or might not be addressed to him. We now come to the “Memoire” which accompanied the letter of Avaux. It begins with the following words, which Lord Macaulay asserts “ must have been part of Penn’s letter.”¹ “ Le Prince d’Orange commence d’être fort “ dégoûté de l’humeur des Anglais ; et la face “ des choses change bien viste selon la nature “ des insulaires ; et sa santé est fort mauvaise.”

<p>“ de choses à faire en ce pays là “ <i>pour retirer les biens injust-</i> “ <i>ment ôtés aux Catholiques ;</i> “ mais cella ne peut s’exceuter “ qu’avec le tems et dans l’as- “ semblée d’un parlement en “ <i>Irelande.</i>” Lord Macaulay paraphrases this passage as fol- lows : “ The English colonists “ had already been stripped of “ all political power. Nothing “ remained but to strip them of</p>	<p>“ their property ; and this last “ outrage was deferred only “ until the co-operation of an “ Irish Parliament should have “ been secured.” So that, in Lord Macaulay’s opinion, re- storing to a Catholic what he had been unjustly robbed of, ne- cessarily involves the stripping a Protestant of his property ! ¹ Vol. iii. p. 587 ; vol. v. p. 218 ; 1858.</p>
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Here ends everything which, on the widest construction, can be attributed to Penn.¹ The remainder of the paper relates to affairs in Scotland (where Dundee was in arms at the head of the clans²), the state of the navy and mercantile marine, and other matters, with which Penn had nothing whatever to do. But can even these words be, as Lord Macaulay asserts, “part of “Penn’s letter?” Did one Englishman, writing to another, ever use such a phrase as “selon la “nature des insulaires,” or any equivalent for it? At most it is but the representation of Avaux (who was employing every argument in his power to induce Louis to send men and money to Ireland) of the substance of Penn’s communication. But assume that every word of the statement that is made by Avaux is true—admit that Penn wrote to some one that the Prince of Orange was disgusted with the temper of the English—that the appearance of affairs was changing, and that his health was bad: every word of this was true—every word was notorious; and why should not Penn write it? What is there “scandalous”

¹ The Letter of Avaux, and Penn’s Life of Penn, ed. 1856, p. the “Memoire” accompanying xxxviii.
it, are given at length in DIX-² MAC. iii. 342.

or “morally impure?” What is there to justify the charge of being a “Conspirator,” or of doing “everything in his power to bring a foreign army “into the heart of his country?” Why should Penn be held up to execration for his attachment to James, when we regard Sarsfield as a hero, and almost forget the cruel and bloodthirsty Claverhouse in the faithful and chivalrous Dundee? But the fact is, that it was not Penn, but Dundee, that was writing for troops. At this very time, in the months of May and June 1689, we find, from Lord Macaulay’s own account, that Dundee was sending to Dublin “a succession of “letters earnestly imploring assistance. If six “thousand, four thousand, three thousand regular “soldiers were now sent to Lochaber, he trusted “that his Majesty would soon hold a Court at “Holyrood.”¹ It is in reference to this circumstance that Avaux says, in this same letter, to Louis : “Le Roy d’Angleterre à resolu de faire “partir incessamment un secour de mille ou douze “cens hommes qu’il a dessein il y a deja quelque “temps d’envoyer en Ecosse.”² This Lord Macaulay omits. It was Dundee, not Penn, that

¹ MAC. iii. 342.

² Letter of Avaux to Louis.

was “doing everything in his power to bring a “foreign army into the heart of his own country.” It was by Dundee, not by Penn, that James was “convinced that he could recover his dominions “only sword in hand.” It was not, as Lord Macaulay asserts, “reserved for the great Preacher “of Peace,” but for the terrible Graham of Claverhouse, “to produce this conviction on the mind “of the old Tyrant.” Nothing is so easy for an historian as to attribute to one man the acts and words of another—to put the counsels of Dundee into the mouth of Penn—to omit the document he refers to—and to leave his readers to accept the narrative without examination of the authorities—to receive his eloquent fiction as history—and to content themselves with marveling at the inconsistency, and pitying the weakness, of human nature.¹

¹ After all, it is, to say the least, doubtful, whether this letter was written by William Penn at all. It appears more probable that the writer was Nevill Penn, “one of the most adroit and resolute agents of the exiled family.” * His name is spelt indifferently Penn, Pain, and Payne. It must be remembered that the whole charge rests on a Frenchman’s orthography of an English surname. Nevill Penn was the unhappy man who was so barbarously tortured in Scotland the following year. See Appendix, IV., Letter of the Earl of Craufurd.

* MAC. iii. 682.

VI.

THE Sixth charge is contained in the following passage :¹—

“ Among the letters which the Government
“ had intercepted was one from James to Penn.
“ That letter, indeed, was not legal evidence to
“ prove that the person to whom it was addressed
“ had been guilty of high treason ; but it raised
“ suspicions, which are now known to have been
“ well founded. Penn was brought before the
“ Privy Council and interrogated. He said, very
“ truly, that he could not prevent people from
“ writing to him, and that he was not accountable
“ for what they might write to him. He acknow-
“ ledged that he was bound to the late King by
“ ties of gratitude and affection, which no change
“ of fortune could dissolve. ‘ I should be glad to
“ to do him any service in his private affairs ;

¹ MACAULAY, vol. iii. p. 599 ; v. 231 ; 1858.

“ but I owe a sacred duty to my country, and
“ therefore I never was so wicked as ever to
“ think of endeavouring to bring him back.’
“ This was a falsehood, and William was proba-
“ bly aware that it was so. He was unwilling
“ however, to deal harshly with a man who had
“ many titles to respect, and who was not likely
“ to be a very formidable plotter. He therefore
“ declared himself satisfied, and proposed to dis-
“ charge the prisoner. Some of the Privy Coun-
“ cillors, however, remonstrated, and Penn was
“ required to give bail.”

Lord Macaulay cites “Gerard Croese” as his authority, but without giving page or date, or any guide whatever to the part of Croese on which he relies. The only passage which I have been able to discover in Croese bearing any resemblance to Lord Macaulay’s narrative, is the following :—

“ While public affairs were thus changed, W.
“ Penn was not so regarded and respected by
“ King and Court as he was formerly by King
“ James, partly because of his intimacy with
“ King James, and partly for adhering to his old

“ opinion concerning the Oath of Fidelity, which
“ was now mitigated, but not abrogated. Besides
“ this, it was suspected that Penn corresponded
“ with the late King, now lurking in France
“ under the umbrage and protection of the
“ French King, an enemy justly equally odious
“ to the British King and the United Provinces,
“ ’twixt whom there was now an inveterate war.
“ This suspicion was followed, and also increased,
“ by a letter intercepted from King James to
“ Penn, desiring Penn to come to his assistance
“ in the present state and condition he was in,
“ and express the resentments of his favour and
“ benevolence. Upon this, Penn, being cited to
“ appear, was asked why King James wrote unto
“ him. He answered, he could not hinder such a
“ thing. Being further questioned what resent-
“ ments there were which the late King seemed to
“ desire of him. He answered, he knew not ; but
“ said he supposed King James would have him
“ to endeavour his restitution, and that though
“ he could not decline the suspicion, yet he could
“ avoid the guilt. And since he had loved King
“ James in his prosperity, he should not hate
“ him in his adversity ; yea, he loved him as yet

“ for many favours he had conferred on him,
“ though he would not join with him in what
“ concerned the state of the kingdom. He owned
“ he had been much obliged to King James, and
“ that he would reward his kindness by any
“ private office as far as he could, observing
“ inviolably and entirely that duty to the publick
“ and government which was equally incumbent
“ on all subjects, and therefore that he had never
“ the vanity to think of endeavouring to restore
“ him that crown which was fallen from his
“ head ; so that nothing in that letter could at
“ all serve to fix guilt upon him.”¹

It will be observed that the passage in Croese materially differs from that in Lord Macaulay. It was probably cited from memory, and it would appear that the narrative of Clarkson,² who seems to have derived his information from Besse,³ was what was present to Lord Macaulay's mind. But it is unnecessary to go at length into this inquiry, for a little attention to dates and unquestionable documents will show that, though this interview between the King and Penn has

¹ CROESE, Book 2. p. 112. Old
Translation, London, 1696.

² Vol. ii. p. 59.

³ Vol. i. p. 140.

been repeated by all the biographers of Penn, from Besse downwards, it is altogether apocryphal.

Lord Macaulay places this supposed interview in the spring or summer of 1690, immediately before the King's departure for Ireland, which took place on the 4th of June in that year.¹ Mr Dixon, the biographer of Penn, places it at the same time,² citing Besse, the author of the *Life of Penn* prefixed to his works, and published in 1726. The silence of Burnett, of whose intimate acquaintance with the transactions of this period there can be no more doubt than of the eagerness with which he would have recorded any circumstance derogatory to Penn, would alone be sufficient to excite suspicion. But the Registers of the Privy Council show that the proclamation for the arrest of Penn was not issued until the 24th of June,³ nearly three weeks after the King had left London. After a careful search, I have not been able to discover any mention whatever of

¹ EVELYN'S *Diary*, iii. 294 ;
MAC. iii. 600.

² DIXON'S *Life of Penn*, 340 ;
1851.

³ P. C. Reg., 24th June 1690.

Penn in those registers during any earlier part of the year 1690, nor was he actually in custody until some time later.

On the 31st of July 1690, Penn wrote as follows to the Earl of Nottingham :¹—

“ MY NOBLE FRIEND,—As soon as I heard
“ my name was in the proclamation, I offered to
“ surrender myself, with those regards to a
“ broken health which I owe to myself and my
“ family ; for it is now six weeks that I have
“ laboured under the effect of a surfeit and re-
“ lapse, which was long before I knew of this
“ mark of the Government’s displeasure. It is
“ not three days ago that I was fitter for a
“ bed than a surrender and a prison. I shall
“ not take up time about the hardships I am
“ under . . . But since the Government
“ does not think fit to trust me, I shall trust
“ it, and submit my conveniency to the State’s
“ security and satisfaction. And, therefore, I
“ humbly beg to know when and where I shall
“ wait upon thee.—Thy faithful friend, WM.
“ PENN.”

¹ Cited in DIXON’S *Life of Penn*, 1851, 344.

On the 15th August he was brought up and discharged from custody.¹

William did not return from Ireland until September.²

It is unnecessary, therefore, to inquire how far the disgusting charge of falsehood (a charge which Lord Macaulay appears to have a remarkable aptitude for bringing) is supported by his narrative of a conversation which certainly did not take place.

¹ Pr. Co. Reg., 15th August 1690. voyage of twenty-four hours, landed at Bristol; thence he tra-

² MAC. iii. 677.—“On the 6th of September, the King, after a mansions of some great lords.”

VII. AND VIII.

WE now come to the transactions of the year 1691.

At the commencement of that year, Lord Preston and Ashton were tried and convicted for their well-known plot. Ashton was executed. Preston, urged by the terrors of death, and allured by the hopes of pardon, was induced to make a confession. Amongst others, he named Penn as having been concerned in his plot. There is not one particle of evidence to support this charge ; but Lord Macaulay, without pausing to consider how infamous was the character of Preston, or the grave doubt thrown upon his confession by the mode in which it was obtained, assumes that it was true.

A proclamation was issued for the arrest of Penn, the Bishop of Ely, and others.¹ Lord

¹ Pr. Co. Reg., Feb. 5, 1690-91.

Macaulay, again following the errors of the biographers of Penn, introduces a picturesque description of the attendance of Penn at the funeral of George Fox—of his conspicuous “appearance among the disciples who committed the venerable corpse to the earth ;”—tells how, when the ceremony was scarcely finished, he heard that warrants were out against him—“how he instantly took flight ;”—how “he lay hid in London during some months,” and then “stole down to the coast of Sussex, “and made his escape to France.”¹ There is about as much foundation for this stirring narrative as for the incidents of an Adelphi melo-drama.²

¹ Vol. iv. p. 30, 31 ; vi. 31, 32 ; 1858.

² Lord Macaulay's taste for the picturesque occasionally leads him into errors, which, if committed by another, he might designate by a more severe and shorter word. Schomberg fell at the Boyne, and Lord Macaulay thus records the honours paid to his corpse :—

“The loss of the conquerors did not exceed 500 men ; but amongst them was the first

captain in Europe. To his corpse every honour was paid. The only cemetery in which so illustrious a warrior, slain in arms for the liberties and religion of England, could properly be laid, was that venerable abbey, hallowed by the dust of many generations of princes, heroes, and poets. It was announced that the brave veteran should have a public funeral at Westminster. In the mean time his corpse was embalmed with

Fox was buried on the 16th of January.¹
Penn, giving an account of the funeral some

such skill as could be found in the camp, and was deposited in a leaden coffin." *

The fact is, that Schomberg was buried, not in Westminster Abbey, but in St Patrick's Cathedral, Dublin. So far from "every honour being paid to his corpse," William left the grave of "the first captain in Europe" unmarked even by a single line, and so it remained for forty years.

In 1728, Swift, writing to Lord Carteret, says: "The great Duke of Schomberg is buried under the altar in my cathedral. . . . I desire you will tell Lord F. that if he will not send fifty pounds to make a monument for the old Duke, I and the Chapter will erect a small one ourselves for ten pounds; whereon it shall be expressed that the posterity of the Duke, naming particularly Lady Holderness and Mr Mildmay, not having the generosity to erect a monument, we have done it of ourselves; and if for

an excuse they pretend they will send for his body, let them know it is mine; and rather than send it, I will take up the bones and make of it a skeleton, and put it in my Registry Office to be a memorial of their baseness to all posterity." †

Swift's application was in vain, and in 1731 he carried part of his threat into execution, and recorded the filial impiety of the posterity of the great Duke on a small monument‡ which he placed over his grave, not far from that on which a few years later he inscribed the burning words that tell of the indignation at the baseness and ingratitude of mankind which consumed his own heart.

Had the fortune of the war been different—had James regained his throne, and Sarsfield filled the grave of Schomberg—with what glowing eloquence would Lord Macaulay have denounced the ingratitude of the Tyrant!

* MAC. iii. 638, 1855; v. 271, 1858.

† Swift to Lord Carteret, May 10, 1728. Vol. xvi. 122.

‡ Swift's Works, vii. 382.

¹ Journal of G. Fox, by Armisted, App. 366.

months after, describes the large concourse of people who were present, says that he felt himself easy and under no alarm, and "was never "more public than that day." He appears when he wrote this letter to have been under the impression that the warrants had been issued earlier than they really were, and to have supposed that he had "very providentially" escaped a danger of which he had been unconscious, and to which in reality he had never been exposed.¹ The proclamation for the arrest of Penn was not issued until the 5th February.² He did not take to flight ; he never "stole down to "the coast of Sussex," nor did he "escape to "France."

The conduct of Penn was precisely what might be expected from a bold, honest, but prudent man. As on a former occasion he wrote to Lord Nottingham, so he now addressed himself to Henry Sidney.³

Henry Sidney was the younger brother of Penn's friend Algernon Sidney, but shared

¹ Penn to Lloyd, 14th of 4th mo. (*i.e.* June, Penn making use of the old style) 1691.—JAN-NEY'S *Life of Penn*, 369.

² Privy Council Reg., 5th February 1690-91.

³ MAC. iv. 30.

little of his character. Penn had known him from boyhood. He stood high in the favour of William.¹ To him Penn wrote, earnestly denying any participation in the plot, or knowledge of the designs of the conspirators.

“Let it be enough, I say, and that truly, I know of no invasions or insurrections—men, money, or arms for them—or any juncto, or consult for advice, or corresponding in order to it ; nor have I ever met with those named as the members of this conspiracy, or prepared any measures with them. . . . Noble friend, suffer not the King to be abused by lies to my ruin. My enemies are none of his friends. I plainly see the design of the guilty is to make me so ; and the most guilty thinking dirt will best stick on me, to which old grutches, as well as personal conveniences to others, help not a little.”²

Nor did Penn confine himself to writing ; he sought a personal interview with Sidney, at which he repeated his assurance of his having no share in any plot or conspiracy. Lord

¹ Burnett, iv. 8.

² Penn to Henry Sidney, JANNEY'S *Life of Penn*, 369.

Macaulay calls Penn's application to Sidney a "strange communication."¹

What there was strange in it does not appear very clearly; and certainly Sidney felt, or at any rate expressed, no surprise. It will be seen from the following letter that Sidney must have received this communication from Penn within less than a fortnight after the issue of the proclamation.

Sidney's letter, addressed to William, who was then at the Hague, is as follows:—

"Feb. 27, 1690-1.

"SIR,—About ten days ago, Mr Penn sent
" his brother-in-law, Mr Lowther, to me, to let me
" know that he would be very glad to see me if
" I would give him leave, and promise him to
" let him return without being molested. I sent
" him word I would if the Queen would permit
" it. He then desired me not to mention it to
" any one but the Queen. I said I would not.
" On Monday he sent to me to know what time
" I would appoint. I named Wednesday, in the
" evening; and accordingly I went to the place

¹ MAC. iv. 30; vi. 31; 1858.

“ at the time, where I found him, just as he
“ used to be, not at all disguised, but in the
“ same clothes and the same humour I formerly
“ have seen him in. It would be too long for
“ your Majesty to read a full account of all our
“ discourse ; but, in short, it was this, that he
“ was a true and faithful servant to King William
“ and Queen Mary, and if he knew anything
“ that was prejudicial to them or their Govern-
“ ment, he would readily discover it. He pro-
“ tested, in the presence of God, that he knew
“ of no plot ; nor did he believe there was any
“ one in Europe but what King Lewis hath laid :
“ and he was of opinion that King James knew
“ the bottom of this plot as little as other people.
“ He saith he knows your Majesty hath a great
“ many enemies ; and some that came over with
“ you, and some that joined you soon after your
“ arrival, he was sure were more inveterate and
“ more dangerous than the Jacobites ; for he saith
“ there is not one man among them that hath
“ common understanding.

“ To the letters that were found with my Lord
“ Preston, and the paper of the conference, he
“ would not give any positive answer, but said if

“ he could have the honour to see the King, and
“ that he would be pleased to believe the sin-
“ cerity of what he saith, and pardon the inge-
“ nuity of what he confessed, he would freely tell
“ everything he knew of himself, and other things
“ that would be much for his Majesty’s service
“ and interest to know ; but if he cannot obtain
“ this favour, he must be obliged to quit the
“ kingdom, which he is very unwilling to do.
“ He saith he might have gone away twenty
“ times if he had pleased, but he is so confident
“ of giving your Majesty satisfaction if you would
“ hear him, that he was resolved to expect your
“ return before he took any sort of measures.
“ What he intends to do is all he can do for your
“ service, for he can’t be a witness if he would, it
“ being, as he saith, against his conscience and
“ his principles to take an oath. This is the
“ sum of our conference. I am sure your Ma-
“ jesty will judge as you ought to do of it, with-
“ out any of my reflections.”¹

Such is Sidney’s letter. Now for Lord Mac-
aulay’s paraphrase :—

“ A short time after his disappearance, Sidney

¹ DAL. ii. Appen. 183.

“ received from him a strange communication.
“ Penn begged for an interview, but insisted on
“ a promise that he should be suffered to return
“ unmolested to his hiding-place. Sidney ob-
“ tained the royal permission to make an appoint-
“ ment on these terms. Penn came to the ren-
“ dezvous, and spoke at length in his own defence.
“ He declared that he was a faithful subject of
“ King William and Queen Mary, and that if he
“ knew of any design against them he would
“ discover it. Departing from his Yea and Nay,
“ he protested, as in the presence of God, that
“ he knew of no plot, and that he did not believe
“ that there was any plot, unless the ambitious
“ projects of the French Government might be
“ called plots. Sidney, amazed probably by
“ hearing a person who had such an abhorrence
“ of lies that he would not use the common forms
“ of civility, and such an abhorrence of oaths
“ that he would not kiss the book in a court of
“ justice, tell something very like a lie, and con-
“ firm it by something very like an oath—asked
“ how, if there were really no plot, the letters
“ and minutes which had been found upon Ash-
“ ton were to be explained. This question Penn

“ evaded. ‘ If,’ he said, ‘ I could only see the
“ King, I would confess everything to him
“ freely. I would tell him much that it would
“ be important for him to know. It is only in
“ that way that I can be of service to him. A
“ witness for the Crown I cannot be, for my
“ conscience will not suffer me to be sworn.’
“ He assured Sidney that the most formidable
“ enemies of the Government were the discon-
“ tented Whigs. ‘ The Jacobites are not danger-
“ ous. There is not a man amongst them who
“ has common understanding. Some persons
“ who came over from Holland with the King
“ are much more to be dreaded.’ It does not
“ appear that Penn mentioned any names. He
“ was suffered to depart in safety. No active
“ search was made for him. He lay hid in Lon-
“ don during some months, and then stole down
“ to the coast of Sussex, and made his escape to
“ France.”¹

Here we find the hand of the accomplished artist. One of the most able of the political caricatures of Gilray, entitled *Doublures of Character*, contains portraits of Fox, Sheridan,

¹ MAC. iv. 30 ; vi. 32 ; 1858.

and several other leading Whigs. Beside each head is a repetition so slightly altered that the change is hardly perceptible, yet so skilfully and so completely, that Fox is converted into the arch-fiend, Sheridan into Judas Iscariot, Sir Francis Burdett into Sixteen-string Jack, the Duke of Norfolk into Silenus, and Lord Derby into a baboon. Such is Lord Macaulay's treatment of Sidney's letter. Sidney expresses no amazement ; he never intimates that he considered Penn's statement to be "something very like a lie." Lord Macaulay asserts that Penn said, "If I could only see the King I would confess everything to him freely." Sidney's statement is that Penn said, "if he could have the honour to see the King, and that he would be pleased to believe the sincerity of what he said, and pardon the ingenuity [ingenuousness] of what he confessed, he would freely tell everything he knew of himself, and other things that would be much for his Majesty's service and interest to know."

The two statements are widely different. Lord Macaulay's implies that Penn had some crime to confess ; Sidney's amounts to no more than

that Penn would give all information in his power, if he could be allowed to do so directly to the King. And without going the length of Swift, who describes Henry Sidney as "an idle, "drunken, ignorant rake, without sense, truth, "or honour,"¹ it may well be that Penn did not choose to make him the channel of communication for all that he might be disposed to trust to the King himself. In his account of this interview, Lord Macaulay marks two passages with inverted commas, as if they formed part of the document he is quoting. The passages which occur in Sidney's letter are widely different, as will be seen by a comparison of the two. Does Lord Macaulay consider this "emphatically honest?" No one knows better than he does that not one in ten thousand of his readers will refer to Dalrymple's Appendix to test his accuracy, or suspect him of passing off his own paraphrase as the copy of an original document.

Lord Macaulay proceeds: "He lay hid in "London during some months, and then stole "down to the coast of Sussex and made his "escape to France."

¹ BURNETT, iii. 264, note.

For this assertion Lord Macaulay cites Luttrell's Diary, September 1691. Luttrell is a favourite authority with Lord Macaulay, who cites his Diary as if it deserved similar credit with those of Evelyn and Clarendon. At the time of the publication of Lord Macaulay's History, Luttrell's Diary remained in manuscript, and a certain mysterious value was attached to it. It has since been published, and a mass of duller and more contemptible rubbish never appeared in six handsome octavo volumes. Of Luttrell himself little is known, except that he was a book collector, and died in 1732; that he was rich, sordid, and churlish; and that his collection (as described by Scott¹) "contained
" the earliest editions of many of our most excellent poems, bound up according to the order
" of time, with the lowest trash of Grub Street." He was an enthusiastic believer in Titus Oates. His journal is a record of every *canard* of the day. He ponders gravely on the singular coincidence of the names of Green, Berry, and Hill, the three unhappy men who were hanged for the murder of Sir Edmondbury Godfrey,

¹ SCOTT'S *Dryden*, i. p. iv.

with the old designation of Primrose Hill, where Godfrey's body was discovered, and which went formerly by the name of Greenberry Hill. He relates the appearance of the ghost of Godfrey with as much confidence and as much truth as the disappearance of Penn.¹ He records the ominous fall of the sceptre from the hand of the statue of Queen Mary at the Exchange.² He asserts that Penn was appointed "supervisor of "the excise and hearth money."³ This was a "sham" of some "coffee-house scribblers that "skulked within the rules of Gray's Inn and elsewhere."⁴ He says that "the Popish scholars "and Fellows of Magdalene College have been

¹ 1678-79, February. "About the middle of this month, on a Sunday, about eleven in the morning, a prodigious darkness overspread the face of the sky; the like was never known, and continued about half-an-hour. The darkness was so great that in several churches they could not proceed in divine service without candles; and 'tis said during that time the figure of Sir E. Godfrey appeared in the Queen's Chapple at Somerset

House whilst service was saying."—Vol. i. p. 8.

² November 1688.

³ LUTT. *Diary*, Aug. 8, 1688—i. 453.

⁴ *Ellis Corr.*, ii. 210, 211. "Another of these shams is that Mr Penn is made Controller of Excise arising in tea and coffee, which is also false, though one might think they might be better informed on matters relating to their own trade." See also Penn's letter to Popple, 24th Oct. 1688.

“ found since the turning out to have much
 “ embezzled the plate belonging to the College.¹
 “ Dr Smith, one of the Protestant Fellows, says :
 “ ‘ Upon a subsequent search and inspection we
 “ found our writings and muniments safe—the
 “ old gold in the Tower, which we counted, un-
 “ touched and entire—the plate left as we left
 “ it—and nothing, as I remember, missing.’ ”²

He hears that a French ship has been taken,
 in which has been found a chest, containing “ a
 “ strange sort of knife, about two feet long, with
 “ the back to chop, and the point turning in-
 “ wards to rip ; ” in other words, a common
 hedger’s bill ; and he apprehends that it is “ for
 “ the destruction of Protestants ! ”³ These are
 fair samples of the “ Diary.” No lie was too
 monstrous, no story too absurd, to find accept-
 ance with Luttrell, provided only it was a Pro-
 testant lie or a Protestant story. It is only
 necessary to refer to any narrative of Penn’s life,
 from Croese and Besse down to Dixon and
 Janney, to find how he was employed during
 his retirement from public life. He remained at
 his usual residence ; he watched over his dying

¹ Vol. i. p. 469.² St. Tr., xii. 79.³ December 1688.

wife ; and he gave to the world some of his best-known writings. Croese says: “From that
“ time Penn withdrew himself more and more
“ from business, and at length, *at London, in*
“ *his own house*, confined himself, as it were, to
“ a voluntary exile from the converse, fellowship,
“ and conference of others, employing himself
“ only in his domestic affairs, that he might be
“ devoted more to meditation and spiritual exer-
“ cises.”¹ Besse, in his quaint and simple language, gives a more detailed account of the mode in which Penn employed what Lord Macaulay calls these “three years of wandering and lurking.”² “He had hitherto,” says Besse, “deferred himself before the King and Council, but now thought it rather advisable to retire for a time than hazard the sacrificing his innocence to the oaths of a profligate villain ; and, accordingly, he appeared *but little in public for two or three years*. During this recess he applied himself to writing ; and first, lest his own friends the Quakers should entertain any sinister thought of him, he sent the following epistle to their yearly meeting in London.”

¹ Book ii. p. 102 ; 1696.

² MAC. iv. 31 ; vi. 32 ; 1858.

Of this communication, which Besse gives at length, it is unnecessary to transcribe more than the following solemn words : “ My privacy is
“ not because men have sworn truly, but falsely
“ against me ; for wicked men have laid in wait
“ for me, and false witnesses have laid to my
“ charge things that I knew not.” A fate that has pursued him beyond the grave. His biographer then proceeds : “ His excellent Preface to Robert Barclay’s works, and another to
“ those of John Burnyeat, both printed this year,
“ were further fruits of his retirement ; as was
“ also a small treatise, entitled ‘ Just Measures,
“ in an Epistle of Peace and Love to such professors as are under any dissatisfaction about
“ the present order practised in the Church of
“ Christ.’ ‘ A Key opening the way to every
“ common understanding, &c. &c. ; ’ a book so
“ generally accepted, that it has been reprinted
“ even to the twelfth edition. ‘ An Essay towards the present peace of Europe : ’ a work
“ so adapted to the unsettled condition of the
“ times, and so well received, that it was reprinted
“ the same year.”

“ Reflections and Maxims Relating to the

“ Conduct of Human Life—an useful little
“ book, which has also passed many impressions.
“ Having thus improved the times of his retire-
“ ment to his own comfort and the common
“ good, it pleased God to dissipate that cloud,
“ and open his way again to a publick service ;
“ for in the latter end of the year 1693, through
“ the mediation of his friends, the Lord Rane-
“ lagh, Lord Somers, Duke of Buckingham, and
“ Sir John Trenchard, or some of them, he was
“ admitted to appear before the King and Coun-
“ cil, where he so pleaded his innocency that he
“ was acquitted.

“ In the 12th month 1693, departed this life
“ his beloved wife Gulielma Maria, with whom he
“ had lived in all the endearments of that nearest
“ relation about twenty-one years. The loss of
“ her was a very great exercise—such himself
“ said—as all his other troubles were nothing in
“ comparison. Her character, dying expressions,
“ and pious end, were related by himself in an
“ account he published, and which is inserted in
“ the appendix.”¹

¹ BESSE'S *Life of Penn*, pp. 140, 141 ; 1726.

Such is the testimony of coteremporaries—such were the employments—such the afflictions of Penn during the three years which Lord Macaulay would induce his readers to believe were passed in wandering, lurking, and plotting!

IX.

THE Ninth and concluding charge brought by Lord Macaulay against Penn is in the following passage :¹—

“ After about three years of wandering and
“ lurking, he, by the mediation of some eminent
“ men, who overlooked his faults for the sake of
“ his good qualities, made his peace with the
“ Government, and again ventured to resume his
“ ministration. The return which he made for
“ the lenity with which he had been treated, does
“ not much raise his character. Scarcely had he
“ began to harangue in public about the unlaw-
“ fulness of war, when he sent a message, earnestly
“ exhorting James to make an immediate descent
“ on England with thirty thousand men.”

Lord Macaulay forgets to state that, amongst the eminent men who made his peace with the

¹ Vol. iv. p. 31 ; vi. p. 32 ; 1858.

Government, were Locke and Somers.¹ The attachment of such men weighs more in favour of the character of Penn than the animosity of Lord Macaulay against it.

The charge of "exhorting James to make an "immediate descent on England with thirty "thousand men," rests upon evidence which will not bear a moment's scrutiny.

In Macpherson's "State-Papers," vol. i. p. 465, is preserved a translation of a rough draught, professing to contain information collected in England by one Captain Williamson, who appears to have been employed as a spy on behalf of James. The value of the captain's information may be judged of by the fact that, professing to be trusted with the secret thoughts of Lord Montgomery, the Earl of Aylesbury, the Earl of Yarmouth, the Earl of Arran, Sir Theophilus Oglethorp, Sir John Friend, Mr Lowton, Mr Strode, Mr Ferguson, Mr Penn, and Colonel Graham, he finds that each of them severally has come to the conclusion that thirty thousand men is the exact number required to replace King James on the throne, with the addition, in

¹ DIXON'S *Life of Penn*, 351, 356, 292.

one instance, of a “Black Brigade,” of a peculiar character; for one of the persons whose sentiments he professes to speak, promises that “he will join “to his regiment a company of clergymen of the “Church of England, who are disposed to serve “as volunteers in this expedition—as are, in fact, “the majority of the clergy who have not taken “the oaths, and also many of them who have “taken them.” This is testimony which Lord Macaulay would reject with scorn, were he not reduced to the necessity of adopting it to support his determination to blacken the character of William Penn.

There is nothing to show that Williamson had even the slightest acquaintance with Penn; and there is nothing whatever but this contemptible trash to support Lord Macaulay’s assertion.

This brings us to the end of the definite charges brought by Lord Macaulay against William Penn.

I have not noticed the error with regard to Penn’s visit to the Hague, because Lord Macaulay has omitted it from the last edition of his History, though without pointing out to his readers the mistake into which he had fallen, or

acknowledging his obligation to Mr Hepworth Dixon for correcting it.¹ It is not my intention to follow the sneers or insinuations which Lord Macaulay has scattered through his volumes, or to speculate upon the motives, public or private, which have instigated his conduct. It is enough for me if I give the reader, what he will certainly not find in the pages of Lord Macaulay—namely, the means of testing for himself the truth of each substantial charge.² Another passage, however, requires notice, not that it in any way affects the character of Penn, but because it has considerable bearing on the degree of accuracy with which Lord Macaulay has investigated the evidence before hazarding very positive assertion. Besse, the earliest biographer of Penn, states, that one of the accusations against Penn was “backed by the oath of one William Fuller, “a wretch afterwards by Parliament declared a

¹ Compare MAC. 8vo edit. 1848, ii. 234, and edit. 1858, ii. 493 — DIXON'S *Life of Penn*, 1851, p. 448. long history, without giving any clue by which the reader can discern for what facts he considers each to be an authority,

² Lord Macaulay's habit of citing a number of authorities, frequently without specifying his accuracy. renders it a work of great labour to follow him, so as to test his accuracy. dates or pages, at the end of a

“cheat and impostor.”¹ Lord Macaulay says that this account is “certainly false;”² that Fuller was not the informer.³ It is not very material who was the informer, when the accusations brought were of such a nature that, not-

¹ Besse, p. 140.

² MAC. iv. 30, note.

³ Lord Macaulay thus commences his account of Fuller: “Of these double traitors, the most remarkable was William Fuller. This man has himself told us, that when he was very young, he fell in with a pamphlet *which contained an account of the flagitious life and horrible death of Dangerfield*. The boy’s imagination was set on fire: he devoured the book—he almost got it by heart; and he was soon seized, and ever after haunted, by a strange presentiment that his fate would resemble that of the wretched adventurer whose history he had so eagerly read. It might have been supposed that the prospect of dying in Newgate, with a back flayed and an eye knocked out, would not have seemed very attractive. But experience proves that there are some distempered minds, for

which notoriety, even when accompanied with pain and shame, has an irresistible fascination. Animated by this loathsome ambition, Fuller equalled, and perhaps surpassed, his model.”*

The book referred to by Fuller as having excited his boyish imagination contains no account whatever of the “horrible death of Dangerfield;” nor could it, for it was published in 1680, and Dangerfield’s death did not take place until 1685.† Nor can it properly be said to contain any “account of his flagitious life.” It is an avowed fiction, entitled “Don Tomazo, or the Juvenile Rambles of Thomas Dangerfield,” written in imitation of “The Cheats and Cunning Contrivances of Guzman and Lazarillo de Tormes.” The hero of the story is Dangerfield, and it leaves him, where history takes him up, at the period of his introduction to Mrs Cellier.‡

* MAC. iii. 590; v. 221; 1858.

† EVELYN’S *Diary*, 24 July 1685.

‡ BURNETT, ii. 235.

withstanding the strong disposition¹ to proceed to extremities against Penn, no case could be

Fuller refers to this book by the short title of "Dangerfield's Rambles," which is used as a heading to the pages. He states that he met with it whilst staying with his stepfather during the summer preceding that in which he would be of age to choose a guardian for himself (*i. e.* fourteen); and as Fuller was born in September 1670,* this must have occurred in the summer of 1683. Dangerfield's death took place in the summer of 1685; so that, according to Lord Macaulay, Fuller's imagination was inflamed by an event two years before it happened! The circumstances of Dangerfield's death are well known. As he was returning through Holborn after the execution of part of his horrible sentence, a gentleman of Gray's Inn, of the name of Francis, who was accidentally walking along the street accompanied by his wife, attracted by curiosity, looked in at the window of the coach in which

the prisoner was, and carried away by the feelings of detestation which the sight of Dangerfield naturally inspired, addressed some taunting words to him, which, considering the miserable condition of the wretched man, might well have been spared. Dangerfield replied with still greater insolence. Francis, losing all self-command, struck him on the head with a small cane. The blow injured his eye, and shortly afterwards Dangerfield died—his death, it was said, being attributable to the blow. "The appearance of " Dangerfield's body, which had " been frightfully lacerated with " the whip, inclined many to " believe that his death was " chiefly, if not wholly, caused " by the stripes he had received. " The Government and the " Chief Justice thought it convenient to lay the whole blame " on Francis, who, though he " seems to have been at worst " guilty only of aggravated man-

* FULLER'S *Life*, p. 2, 4.

¹ See the Letters of Lord Carmarthen and Lord Nottingham, Dal. App. ii. 187.

discovered upon which to found any charge that would bear investigation in a court of

"slaughter, was tried and executed for murder."* So far Lord Macaulay is accurate, but Francis was a "Tory;" and Lord Macaulay proceeds as follows: "His dying speech is one of the most curious monuments of that age. The *savage spirit* which had brought him to the gallows remained with him to the last. Boasts of his loyalty, and *abuse of the Whigs*, were mingled with the parting ejaculations in which he commended his soul to the Divine mercy. An idle rumour had been circulated that his wife was in love with Dangerfield, who was eminently handsome, and renowned for gallantry. The fatal blow, it was said, had been prompted by jealousy. The dying husband, *with an earnestness half ridiculous*, half pathetic, vindicated the lady's character. She was, he said, a virtuous woman; she came of a loyal stock; and if she had been inclined to break her marriage vow, *would at least have selected a Tory and a Churchman for her paramour.*" †

Where Lord Macaulay finds either the "savage spirit," or the "abuse of the Whigs," or even the "parting ejaculations," it is difficult to say. The dying speech of Francis was a written paper, carefully prepared, and delivered to the Ordinary at the place of execution, with a direction that it should be published. It is almost wholly devoted to clearing him of the suspicion of having acted with design or premeditation in the unhappy affair to which his life was about to be sacrificed, or of having borne any personal malice against Dangerfield. Nothing can be clearer than that he suffered death most unjustly. In no view could his offence be held to amount to murder. Even admitting that Dangerfield's death was caused by the blow he received from Francis, of which there is great doubt, that blow was struck in a sudden gust of passion, upon an accidental occasion, without premeditation, and with a weapon (a small cane) very unlikely to produce a fatal result.

Perhaps Lord Macaulay dis-

* Mac. i. 489; ii. 64; 1858.

† Mac. i.; 490.

justice, even such as courts were in those days. But if Penn himself can be supposed,

covers "abuse of the Whigs" in the prayer which Francis offered up to "God Almighty to preserve and bless" King James, who had refused mercy to him, and was about to sacrifice him to the outcry of a "faction." Perhaps he discovers a "*savage spirit*" in the reflection which Francis makes, almost in the words which Shakespeare has placed in the mouth of Wolsey, "If I had been as zealous in the service of God as my prince, He would not have left me so much to myself as to have permitted me to have fallen into this unexpected extremity."

Besides clearing himself of suspicion of the guilt of murder, he vindicates the character of his wife, which had been assailed by base and cowardly slanderers. He blesses the Lord that he has lived so as "not to be ashamed to live or afraid to die." "But," he says, "that which most sensibly afflicts me, and is worse to me than death, is, that I cannot

suffer alone, but that they have not only raised scandals upon me in particular preparatory to it, but *upon my poor innocent wife*, as if my jealousy of her had been the reason of my animosity to Dangerfield, when I am morally certain she never saw him in her whole life save that fatal moment; and no couple (as hundreds can witness) have lived in better correspondence; and besides that, she is as virtuous a woman as lives, and born of so good and loyal * a family, that if she had been so inclined, she would have scorned to have prostituted herself to such a profligate person; but, on the contrary (God is my witness), I never had any such thoughts of her, and do as verily believe, as there is a God in heaven, I never had any reason, she having always been the most indulgent, kind, and loving wife that ever man had, and in my conscience one of the best of women." †

* *Loyal*; 1, Obedient; 2, Faithful in love.

"—— Hail, wedded love! by thee

Founded in reason, *loyal*, just, and pure."—*Milton*.

JOHNSON'S *Dictionary*.

† 11 St. Tr., 509.

notwithstanding Lord Macaulay's assertion, to have known anything about the matter, it is

What Lord Macaulay finds "ridiculous" in this vindication of his slandered wife by a man on the brink of eternity, I am at a loss to discover. The nonsense about "*selecting a Tory and a Churchman for her paramour*," is Lord Macaulay's own. Nothing of the kind can be traced in the speech of Francis, which will be found at length in the Appendix. It is worth perusal, in order to see what Lord Macaulay considers to be "one of the most curious monuments of that age," though the reader will probably be as much puzzled to discover how it is entitled to that distinction as to find either the "*savage spirit*" which Lord Macaulay discerns, or the "*abuse of the Whigs*," which is so capital an offence in his eyes.

In the first volume of Lord Macaulay's history, p. 488,* there is the following note with regard to Dangerfield: "According to Roger North, the judges decided that Dangerfield, having been previously convicted of perjury, was incompetent to be a witness of the plot. But

this is one among many instances of Roger's inaccuracy. It appears from the report of the Trial of Lord Castlemaine, in June 1680, that after much altercation between counsel and much consultation among the judges of the different courts in Westminster Hall, Dangerfield was sworn, and suffered to tell his story; but the jury very properly refused to believe him." This is one of the many inaccuracies, not of Roger North, but of Lord Macaulay. North refers not to Lord Castlemaine's trial, but to that of Mrs Cellier, 7 St. Tri. 1043, where Dangerfield was tendered as a witness and rejected. It is the more singular that Lord Macaulay should have fallen into this error, and grounded upon it his sneer at North, inasmuch as the rejection of Dangerfield is made the subject of remark in Mr Hargreave's learned argument on the effect of the King's pardon of perjury; and the debate of the judges on the question of admissibility, is reported by Sir T. Raymond, p. 369, who states

* Vol. ii. 63; 1858.

“ certainly *true* ” that Fuller was one of the informers. Besse may have fallen into some inaccuracy as to the date or the particular occasion, but the following letter is conclusive as to the main fact :—

“ I have been above these three years hunted
 “ up and down, and could never be allowed to
 “ live quietly in city or country, even then when
 “ there was hardly a pretence against me, so that
 “ I have not only been unprotected, but perse-
 “ cuted by the Government. And before the
 “ date of this business which is laid to my charge,
 “ I was indicted for high treason in Ireland, be-
 “ fore the Grand Jury of Dublin, and a Bill found
 “ upon the oaths of three scandalous men, Fuller,

that they were divided in opinion, *the majority being for rejecting the testimony, which was accordingly done.* The passage in North's *Examen*, is as follows :—“ But then as soon as Dangerfield advanced, the woman ” [*i. e.* Cellier] “ charged with fury upon him with an whole battery of records, being judgments, with *arser de main*. pillory, prison, breach, and what not of villainy, and almost every species of crime ; then by proof showed so many ill things of him, as *the court was soon satisfied to reject him as a witness.* . . . In fine, the fellow was exploded with ignominy, and sent home to Newgate again, and the prisoner was acquitted.” *

* *Examen*, p. 263. 7 St. Tri. 1053, Hargreave's note. Sir T. Raymond's reports, 369, a note of the case. The Ch. Justice Raymond, and Nichols, were for rejecting, Jones and Dolben for admitting him ; he was consequently rejected.

“ one Fisher, and an Irishman, whom I knew
“ not, and the last has not been in England since
“ the revolution, nor I in Ireland these twenty
“ years, nor do I so much as know him by name ;
“ and all their evidence upon hearsay too. It
“ may be that it is the most extraordinary case
“ that has been known ; that
“ an Englishman in England, walking about
“ the streets, should have a bill of high treason
“ found against him in Ireland for a fact pre-
“ tended to be committed in England, when a
“ man cannot legally be tried in one county in
“ England for a crime committed in another.
“ And the others are at ease that were accused
“ for the same fault, *and that Fuller is na-*
“ *tionally staged and censured for an impostor*
“ *that was the chief of my accusers ;* my estate
“ in Ireland is, notwithstanding, lately put up
“ among the estates of outlaws, to be leased
“ for the Crown, and the collector of the hun-
“ dred where it lies ordered to seize my rents,
“ and lease it in the name of the Govern-
“ ment, and yet though I am not convicted or
“ outlawed.”

“ I know mine enemies, and their true character
 “ and history, and their intrinsic value to this or
 “ other Governments. I commit them to time,
 “ with my own conduct and afflictions.”¹

I commenced these remarks with Lord Mac-
 aulay's own record of the judgment of posterity on
 the character of William Penn—I conclude them
 with the echo of that judgment which comes back
 clear and distinct over the broad waves of the
 Atlantic.

“ There is nothing in the history of the human
 “ race like the confidence which the simple virtues
 “ and institutions of William Penn inspired. . .

“ After more than a century, the laws which
 “ he reproved began gradually to be repealed,
 “ and the principle which he developed, secure
 “ of immortality, is slowly, but firmly, asserting
 “ its power over the Legislature of Great Britain.
 “ . . . Every charge of hypocrisy, of self-
 “ ishness, of vanity, of dissimulation, of credulous
 “ confidence—every form of reproach, from viru-
 “ lent abuse to cold apology—every ill name,
 “ from Tory and Jesuit to blasphemer and infi-

¹ Penn's letter to ———, 1693. JANNEY'S *Life of Penn*, 379.

“ del, has been used against Penn—but the can-
“ dour of his character always triumphed over
“ calumny.

“ His name was safely cherished as a house-
“ hold word in the cottages of Wales and Ireland,
“ and among the peasantry of Germany, and not
“ a tenant of a wigwam, from the sea to the Sus-
“ quehanna, doubted his integrity.

“ His fame is now wide in the world : he is
“ one of the few who have gained abiding
“ glory.”¹

¹ BANCROFT'S *History U. S.*, ii. 381, 400. JANNEY, *Life of Penn*, 567.

A P P E N D I X.

No. I.

HIS MAJESTY'S gracious Declaration to all his loving
Subjects for Liberty of Conscience.

JAMES R.

It having pleased Almighty God not only to bring us to the Imperial Crown of these Kingdoms through the greatest difficulties, but to preserve us by a more than ordinary Providence upon the Throne of our royal ancestors, there is nothing now that we so earnestly desire as to establish our Government on such a foundation as may make our subjects happy, and unite them to us by inclination as well as duty, which we think may be done by no means so effectually as by granting to them the free exercise of their religion for the time to come; and add that to the perfect enjoyment of their property, which has never been in any case invaded by us since our coming to the Crown—which being the two things men value most, shall ever be preserved in these Kingdoms, during our reign over them, as the truest methods of their peace and

our glory. We cannot but heartily wish, as it will easily be believed, that all the people of our dominions were members of the Catholick Church; yet we humbly thank Almighty God it is, and hath of long time been, our constant desire and opinion (which upon diverse occasions we have declared), that conscience ought not to be constrained, nor people forced in matters of meer religion. It has ever been directly contrary to our inclination, as we think it is to the interest of Government, which it destroys by spoiling trade, depopulating countries, and discouraging strangers; and, finally, that it never obtained the end for which it was employed. And in this we are the more confirmed by the reflections we have made upon the conduct of the four last reigns; for after all the frequent and pressing endeavours that were used in each of them to reduce this kingdom to an exact conformity in religion, it is visible the success has not answered the design, and that the difficulty is invincible. We, therefore, out of our princely care and affection unto all our loving subjects, that they may live at ease and quiet, and for the increase of trade and encouragement of strangers, have thought fit, by virtue of our royal prerogative, to issue forth this our royal Declaration of Indulgence, making no doubt of the concurrence of our two Houses of Parliament, when we shall think it convenient for them to meet.

In the first place, we do declare that we shall protect and maintain our arch-bishops, bishops, and clergy, and all other our subjects of the Church of England, in the free exercise of their religion, as by law established, and in the quiet and full enjoyment of

all their possessions, without any molestation or disturbance whatsoever.

We do likewise declare, that it is our Royal will and pleasure, that from henceforth the execution of all and all manner of penal laws in matters ecclesiastical, for not coming to Church, or not receiving the Sacrament, or for any other non-conformity to the religion established, or for or by reason of the exercise of religion in any manner whatsoever, be immediately suspended; and the further execution of the said penal laws, and every of them, is hereby suspended.

And to the end that by the liberty hereby granted, the peace and security of our Government in the practice thereof may not be endangered, we have thought fit, and do hereby strictly charge and command all our loving subjects, that, as we do freely give them leave to meet and serve God after their own way and manner, be it in private houses or in places purposely hired or built for that use, so that they take especial care that nothing be preached or taught among them which may any ways tend to alienate the hearts of our people from us or our Government; and that their meetings and assemblies be peaceably, openly, and publicly held, and all persons freely admitted to them; and that they do signify and make known to some one or more of the next justices of the peace what place or places they set apart for those uses.

And that all our subjects may enjoy such their religious assemblies with greater assurance and protection, we have thought it requisite, and do hereby command, that no disturbance of any kind be made or given to them, under pain of our displeasure, and to be

further proceeded against with the utmost severity. And forasmuch as we are desirous to have the benefit of the service of all our loving subjects, which by the law of nature is inseparably annexed to, and inherent in our royal person, and that none of our subjects may for the future be under any discouragement or disability (who are otherwise well inclined and fit to serve us), by reason of some oaths or tests that have been usually administered on such occasions, we do hereby further declare that it is our Royal will and pleasure that the oaths commonly called the Oaths of Supremacy and Allegiance, and also the several tests and declarations mentioned in the Acts of Parliament made in the twenty-fifth and thirtieth years of the reign of our late Royal brother, King Charles the Second, shall not at any time hereafter be required to be taken, declared, or subscribed by any person or persons whatsoever, who is, or shall be, employed in any office or place of trust, either civil or military, under us or in our Government. And we do further declare it to be our pleasure and intention, from time to time hereafter, to grant our Royal dispensations under our Great Seal to all our loving subjects so to be employed who shall not take the said oaths, or subscribe or declare the said tests, or declarations in the above-mentioned Acts, and every of them.

And to the end that all our loving subjects may derive and enjoy the full benefit and advantage of our gracious indulgence hereby intended, and may be acquitted and discharged from all pains, penalties, forfeitures, and disabilities by them, or any of them, incurred or forfeited, or which they shall or may at

any time hereafter be liable to, for or by reason of their non-conformity, or the exercise of their religion, and from all suits, troubles,^s or disturbances for the same ; we do hereby give our free and ample pardon unto all Non-conformists, Recusants, and other our loving subjects, for all crimes and things by them committed, contrary to the penal laws formerly made relating to religion, and the profession or exercise thereof, hereby declaring that this our Royal pardon and indemnity shall be as good and effectual to all intents and purposes, as if every individual person had been therein particularly named, or had particular pardons under our Great Seal ; which we do likewise declare shall from time to time be granted unto any person or persons desiring the same ; willing and requiring our judges, justices, and other officers, to take notice of, and obey our Royal will and pleasure hereinbefore declared.

And although the freedom and assurance we have hereby given in relation to religion and property might be sufficient to remove from the minds of our loving subjects all fears and jealousies in relation to either, yet we have thought fit further to declare, that we will maintain them in all their properties and possessions, as well of Church and Abbey-lands as in any other their lands and properties whatsoever.

Given at our Court at Whitehall, the fourth day of April 1687, in the third year of our reign. By his Majesty's special command.

No. II.

WILLIAM PENN'S SPEECH to the KING upon delivering
THE QUAKERS' ADDRESS.

MAY IT PLEASE THE KING,—

It was the saying of our blessed Lord to the captious Jews in the case of tribute, “Render to Cæsar the things that are Cæsar’s, and to God the things that are God’s.” As this distinction ought to be observed by all men in the conduct of their lives, so the King has given us an illustrious example, in his own person, that excites us to it: for while he was a subject, he gave Cæsar his tribute, and now he is a Cæsar, gives God his due—viz. the sovereignty over conscience. It were a great shame then for any Englishman (that professes Christianity) not to give God his due. By this grace he hath relieved his distressed subjects from their cruel sufferings, and raised to himself a new and lasting empire by adding their affections to their duty. And we pray God to continue the King in this noble resolution; for he is now upon a principle that has good-nature, Christianity, and the good of civil society, on its side—a security to him beyond the little arts of Government.

I would not that any should think that we came hither with design to fill the *Gazette* with our thanks; but as our sufferings would have moved stones to compassion, so we should be harder if we were not moved to gratitude.

Now since the King’s mercy and goodness have

reached to us throughout the Kingdom of England and Principality of Wales, our General Assembly from all those parts met at London about our Church affairs, has appointed us to wait upon the King with our humble thanks, and me to deliver them, which I do by this Address with all the affection and respect of a dutiful subject.

THE ADDRESS.

TO KING JAMES the SECOND, over England, &c., the humble and grateful Acknowledgment of his peaceable subjects, called Quakers, in this kingdom, from their usual yearly Meeting in London, the nineteenth day of the third month, vulgarly called May 1687 ;—

We cannot but bless and praise the name of Almighty God, who hath the hearts of Princes in his hand, that he hath inclined the King to hear the cries of his suffering subjects for conscience sake ; and we rejoice that instead of troubling him with complaints of our sufferings, he hath given us so eminent an occasion to present him with our thanks. And since it hath pleased the King, out of his great compassion, thus to commiserate our afflicted condition, which hath so particularly appeared by his gracious proclamation and warrants last year, *whereby twelve hundred prisoners were released from their severe imprisonments*, and many others from spoil and ruin in their estates and properties ; and his princely speech in Council and Christian Declaration for Liberty of Conscience, in which he doth not only express his aversion to all force upon con-

science, and grant his Dissenting subjects an ample liberty to worship God in the way they are persuaded is most agreeable to His will, but gives them his kingly word the same shall continue during his reign; we do (as our friends of this city have already done) render the King our humble, Christian, and thankful acknowledgments, not only in behalf of ourselves, but with respect to our friends throughout England and Wales; and pray God with all our hearts to bless and preserve thee, O King, and those under thee in so good a work! And as we can assure the King it is well accepted in the several counties from whence we came, so we hope the good effects thereof for the peace, trade, and prosperity of the kingdom will *produce such a concurrence from the Parliament* as may secure it to our posterity in after times. And while we live, it shall be our endeavour (through God's grace) to demean ourselves as in conscience to God, and duty to the King, we are obliged.

His peaceable, loving, and faithful Subjects.

THE KING'S ANSWER.

GENTLEMEN,—I thank you heartily for your Address. Some of you know (I am sure you do, Mr Penn) that it was always my principle that conscience ought not to be forced, and that all men ought to have the liberty of their consciences; and what I have promised in my Declaration, I will continue to perform as long as I live; and I hope, before I die, to settle it so that after ages shall have no reason to alter it.

No. III.

The dying SPEECH of ROBERT FRANCIS, of Gray's Inn, Esq., July 24, 1685, delivered by his own hand to the Ordinary at the place of Execution, desiring the same might be published.

I AM here, by the divine permission and providence of God, become a spectacle to God, angels, and men, for a rash, extravagant, and imprudent act, wherein I do confess I have not only offended against the government and courts of justice, but against Christianity, and even the rules of morality itself. Nevertheless (I hope) not only the Court, but all unbiassed men, from the several circumstances of the fact, are satisfied that I had no malicious intent of doing what fell out, nor had any grudge or personal prejudice to him upon any account whatsoever, more than what all honest and good men could not but have, that love the king and the government. The solemn truth of all which I have declared, not only upon the holy sacrament I received from Mr Master, but also that I never knew nor saw him before that unhappy moment, save once at a distance in the pillory at Westminster, and do now, as a dying man, solemnly avow and protest the same. I therefore, I hope, I may boldly say, I am not conscious of any guilt before God as to the malice. However, God in His great wisdom has been pleased to suffer this great calamity to fall upon me, and I hope this His severe chastisement is in order to bring me to Himself, when softer means had not sufficiently

done it. All them that know me (I am sure) will do me that justice as to believe I am far from having done it either wilfully or mercenarily (as most untruly is reported). And that these honourable persons are above the thoughts of such unworthy things, for which they have been as maliciously as falsely traduced upon my score; I beg their pardon for the scandal I have unhappily been the occasion of, and desire this acknowledgment may be by them accepted as a reparation, since to disown it at this time of my death is all the satisfaction I am able to make them. As to my religion (however I have been represented), there are people that knew me at the University, and since that can be my witnesses, how obedient and zealous a son of the Church of England (by law established) I have been. And these worthy divines that did me the favour to visit me in affliction, will give the world an account (as occasion serves) of my integrity therein; and if I had been as zealous in the service of God as my Prince, he would not have left me so much to myself, as to have permitted me to have fallen into this unexpected extremity. And as for my morals, the honourable Society of Gray's Inn will answer for me, that in above these twelve years time I have had the honour of being admitted a member of that Society, I never had any quarrel or controversy with any member thereof; and all persons with whom I have had conversation, I question not, will give a good character of my innocent and peaceable behaviour. I pray God Almighty preserve and bless his most sacred Majesty, his royal consort Queen Mary, Catherine the

Queen Dowager, their royal highnesses, and all the royal family; and grant that these may never want one of that royal line to sway the sceptres of these kingdoms as long as sun and moon endure. In the union and love of his subjects, strengthen him that he may vanquish and overcome all his enemies, which I am glad to have seen so much prospect of, and am only sorry I am cut off from seeing my so much-desired satisfaction of those happy days all his good subjects will enjoy under his auspicious government. I pray God forgive me my sins that have made me unworthy of that blessing. Blessed be the Lord that I have lived, so as not to be ashamed to live, or afraid to die; though I cannot but regret my being made a sacrifice to the faction who, I am satisfied, are the only people that will rejoice in my ruin; for there is no man that loves his Prince, but will lament that nothing less than the blood of an inoffensive man (save in this single extravagance) can satisfy them for the sudden intemperate transport of zeal and passion against one so notoriously wicked and infamous; for I do protest, before Almighty God (before whom I shall immediately appear), that when I went to the coach-side, I did not intend so much as to speak to him, or believe I could have had opportunity of so doing, much less of doing him any harm. Neither is it probable I should, with a small bamboo-cane, no bigger than a man's little finger, without any iron upon it, much less a dart in it, as it was most industriously spread abroad to prejudice me in the opinion of the world; for, if I had had such a wicked design intentionally, I

had a little short sword by my side much more proper for such a purpose. And further, if I had believed or known that I had done any harm to him, I had opportunity enough of escaping afterwards, which I never endeavoured. Now, all these things being duly weighed with their several circumstances, I leave my sad case to the consideration of all sober and charitable men. However, I would not have this to be interpreted as a reflection upon the Court, who, I doubt not, are by this time satisfied (and Mr Recorder did in open Court declare) that in their consciences they did not believe I maliciously designed him the mischief that happened, but that it was purely accidental. But in the strict construction of law, I was found guilty of murder. But that which most sensibly afflicts me, and is worse to me than death, that I cannot suffer alone, but that they have not only raised scandals upon me in particular preparatory to it, but upon my poor innocent wife, as if my jealousy of her had been the reason of my animosity to Dangerfield, when I am morally certain she never saw him in her whole life, save that fatal moment, and no couple (as hundreds can witness) have lived in better correspondence. And, besides that, she is as virtuous a woman as lives, and born of so good and loyal a family, that if she had been so inclined, she would have scorned to have prostituted herself to such a profligate person ; but, on the contrary (God is my witness), I never had any such thoughts of her, and do as verily believe, as there is a God in heaven, I never had any reason, she having always been the most indulgent, kind, and

loving wife that ever man had, and, in my conscience, one of the best of women; nay, I am so far from suspecting her virtue, that she is the only loss I regret on earth, and can freely part with every thing else here below without repining, which in all my trouble I have owned before all people, and particularly Mr Master, Mr Ordinary, and Mr Smithies of Cripplegate, who can all testify those tears and endeared expressions that have passed between us when any of them did me the kindness to visit me in my distress. And I do, from the bottom of my heart, freely forgive the witnesses that swore against me those words I never spoke; for, as I shall answer at the great tribunal, I said no other or more words than these: How, now, friend, have you had your heat this morning? For all the ill they have done me, give them repentance, good God! Even for those that have contributed to the shedding of my blood, I pray thee shed thy bowels of mercy!

I do heartily thank those noble and honourable persons, and all other my friends that have so charitably interposed with his Majesty on my behalf (though it hath proved unsuccessful). I pray God, nevertheless, to return their kind endeavours a thousandfold into their own bosoms! Lord, return it to them and theirs! Lord Jesus, receive my soul! Thy will be done on earth, as it is in heaven. Amen, Amen, Amen.

ROBERT FRANCIS.

No. IV.

EARL OF CRAFTURD to the EARL OF MELVILL,
11th December 1690.

MY LORD,

Yesterday in the afternoon, Nevill Penn (after near an hour's discourse I had with him in name of the Council, and in their presence, though at several times, by turning him out, and then calling him in again) was questioned upon some things that were not of the deepest concern, and had but gentle torture given him, being resolved to repeat it this day, which accordingly, about six in the evening, we inflicted on both thumbs and one of his leggs, with all the severity that was consistent with humanity, even unto that pitch that we could not preserve life and have gone further, but without the least success; for his answers to our whole interrogators that were of any import were negatives. Yea, he was so manly and resolute under his suffering, that such of the Council as were not acquainted with all the evidences, were brangled, and began to give him charitie that he might be innocent. It was surprising to me and others that flesh and blood could, without fainting, and in contradiction to the grounds we had insinuat of our knowledge of his accession in matters, endure the heavy penance he was in for two houres; nor can I suggest any other reason than this, that by his religion and its dictates, he did conceive he was acting a thing not only generous towards his friends

and accomplices, but likewise so meritorious, that he would thereby save his soule, and be canonised among their saints. My stomach is truly so far out of tune by being a witnes to an act so farr cross to my natural temper, that I am fitter for rest than anything ells; nor could any less than the danger from such conspirators to the person of our incomparable King, and the safety of his government, prevailed over me to have in the council's name been the prompter of the executioner to increase the torture to so high a pitch. I leave it to other hands to acquaint your Lop: how severals of our number were shie to consent to the torture, and left the Board, when by a vote they were overruled in this. I shal not deny them my charitie, that this was an effect of the gentleness of their nature, though some others of a more jealous temper than I am put truly another construction upon it. Penn does now crave banishment for a year to Holland, under a deep penaltie. I think he would willingly stoop to it that it were under the pain of death; but I am no agent for him, and only speaks out his own words, which, after his torture, he desired I might represent to my master, for the sake of God, which I no way engaged for; and only acquaints your Lop: that you have the outmost information in this matter that can be given you by, my dear Lord, your Lops: ever faithfull and affectionate humble servant,

CRAFURD.*

* Leven and Melville Papers, p. 582—Bannatyne Club Publication.

The question of the share of responsibility to be fairly allotted to each of the participants in this horrible transaction is far too wide for me to enter upon, and will, I am informed, be fully dealt with ere long by other hands.



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